



AGENDA
CITY OF GUSTINE
CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
352 5th STREET GUSTINE, CALIFORNIA
AUGUST 18, 2015 – 6:30 P.M.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

Please take a moment to silence your cell phone.

ROLL CALL

Council Members: Hasness – Nagy – Anderson - Mayor Pro Tem Oliveira - Mayor Brazil

PRESENTATIONS

ORAL COMMUNICATIONS

At this time, any person may comment on any item which is not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Action will not be taken on the topic unless deemed an urgency matter by a 3/5 vote of the City Council. Topics not considered an urgency matter may be referred to City staff and/or placed on a subsequent agenda for consideration, by a 3/5 vote of the City Council.

Members of the public, who have questions regarding a specific agenda item, may comment on that item before consideration of that item, when recognized by the Mayor.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and may be approved by one action of the City Council, unless any member of the City Council wishes to remove an item for separate consideration.

Are there any items on the consent calendar that any member of the public would like to comment on?

1. **Minutes of the August 4, 2015 Regular Meeting**
Recommendation: Review and approve
2. **Minutes of the August 11, 2015 Special Meeting**
Recommendation: Review and approve
3. **Warrants**
Recommendation: Review and approve
4. **Resolution Adopting an Updated Conflict of Interest Code**
Recommendation: Approve the resolution

ADMINISTRATIVE AGENDA

5. **PUBLIC HEARING to Consider Waiving the Second Reading and Approve Ordinance No. 467 Replacing Gustine Municipal Code, Title 7, Chapter 7, Article 5 Pertaining to Anti-Graffiti Rules and Regulations**
 1. Receive staff report
 2. Open the public hearing to receive public comment
 3. Close the public hearing
 4. Motion to waive the second reading of Ordinance No 467 amending the Gustine Municipal Code, Title 7, Chapter 7, Article 5 Graffiti

(No Roll Call Vote Required)

5. Motion to approve Ordinance No. No. 467 amending the Gustine Municipal Code, Title 7, Chapter 7, Article 5 Graffiti
(Roll Call Vote Required)

6. Consider Acceptance of Resignation and Appointment of New Gustine Representative for the Mosquito Abatement District

1. Receive Staff Report
2. Receive Public Comment
3. Consider a motion to accept the resignation, and to appoint a new Representative

7. Consider Request for Use of City Streets and Services from VFW Ladies Auxiliary for "9-11 Candlelight Memorial Walk"

1. Receive Staff Report
2. Receive Public Comment
3. Consider a motion to approve the request and determine whether service fees are to be waived.

8. PUBLIC HEARING: Consider a Resolution Confirming Diagrams and Levying Assessments for Fiscal Year 2015-2016 for the Citywide, Southport and Borrelli Landscape and Lighting Districts Pursuant to the Landscape and Lighting Act of 1972

1. Receive Staff Report
2. Open the Public Hearing
3. Close the Public Hearing
4. Consider a motion to approve the Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2015-2016

9. Consider Adopting the Final Budget for FY 2015-2016

1. Receive Staff Report
2. Receive Public Comment
3. Consider a motion to approve the final budget for FY 2015-2016

10. Consider Resolution to State of California Relating to Transportation Priorities

1. Receive Staff Report
2. Receive Public Comment
3. Consider a motion to approve the resolution

11. Discussion and Direction: Downtown Vacant Building Ordinance

1. Receive Staff Report
2. Receive Public Comment
3. Discuss and provide direction

CITY DEPARTMENT REPORTS

CITY MANAGER REPORT

CITY COUNCIL REPORTS

CLOSED SESSION

ADJOURNMENT

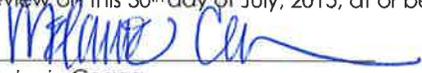
Note:

1. In compliance with the Americans with Disabilities Act, a disabled person requesting a disability-related modification or accommodation to participate in this meeting, must contact City Hall at (209) 854-6471 or (209) 854-2127 (fax). Requests must be made as early as possible, preferably one-full business day before the start of the meeting.

2. Any document provided to a majority of the City Council regarding any open session item on this agenda is available for public inspection during normal business hours at the front counter of City Hall located at 352 5th Street, Gustine, CA. Documents or writings received after the general distribution of the agenda are also available for inspection.

CERTIFICATION

I, Melanie Correa, Deputy City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted at the Gustine City Hall, 352 5th Street, Gustine CA and made available for public review on this 30th day of July, 2015, at or before 5:00 p.m.



Melanie Correa

**MINUTES OF
REGULAR MEETING
AUGUST 4, 2015**

CALL TO ORDER - PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order at 6:30 P.M. and conducted the pledge of allegiance.

ROLL CALL

Council Members: Hasness, Nagy, Oliveira, Brazil

Staff Present: City Manager Sean Scully, City Attorney Josh Nelson, Fire Chief Pat Borrelli, and Deputy City Clerk Melanie Correa

PRESENTATIONS

ORAL COMMUNICATIONS

There was no oral communications.

CONSENT CALENDAR

1. **Minutes of the July 21, 2015 Regular Meeting**
Recommendation: Review and approve
2. **Warrants**
Recommendation: Review and approve
3. **Approval of Chief Waste Water Operator Employment Agreement for Fiscal Year 2015-2016**
Recommendation: Approve agreements as submitted with effective date of July 1, 2015

The Mayor introduced the consent calendar. There was no public comment. Council member Nagy requested that the warrant for Byron Faulder in the amount of \$2,558.25 be pulled from the consent calendar, due to a clerical error. Mayor Pro Tem made a motion to approve the warrant list without the warrant for Byron Faulder. The motion was seconded by Council member Nagy, and carried 4-0 with Council member Anderson absent.

Council member Nagy made a motion to approve a warrant in the amount of \$250.00 for Byron Faulder. The motion was seconded by Mayor Pro Tem Oliveira, and carried 4-0 with Council member Anderson absent.

ADMINISTRATIVE AGENDA

4. **PUBLIC HEARING to Consider Waiving the Second Reading and Approve Ordinance 468 Adding Title 4, Article 6 to Streamline the Permitting Procedures for Small Residential Rooftop Solar Systems**
 1. *Receive staff report*
 2. *Open the public hearing to receive public comment*
 3. *Close the public hearing*
 4. *Motion to waive the second reading of Ordinance No 468 adding Title 4, Article 6 to streamline the permitting procedures for small residential rooftop solar systems*

(No Roll Call Vote Required)

5. *Motion to approve Ordinance No. 468 adding Title 4, Article 6 to streamline the permitting procedures for small residential rooftop solar systems*

(Roll Call Vote Required)

City Manager Scully presented the staff report. The Mayor opened the public hearing at 6:35 P.M., there was no public comment. The public hearing was closed at 6:35 P.M. Mayor Pro Tem made a motion to waive the second reading of Ordinance 468. The motion was seconded by Council member Hasness and carried 4-0 with Council member Anderson absent.

Council member Hasness made a motion to approve Ordinance 468 adding Title 4, Article 6 to streamline the permitting procedures for small residential rooftop solar systems. The motion was carried with the following roll call vote:

Aye: Hasness, Nagy, Oliveira, Mayor Brazil.

No: None

Abstain: None

Absent: Anderson

5. Consider Resolution Authorizing the City Manager to Execute a Program Supplemental Agreement for Engineering Design on Schmidt Park Trail/Walkway Project

1. *Receive Staff Report*
2. *Receive Public Comment*
3. *Consider a motion to approve the resolution*

City Manager Scully presented the staff report. There was no public comment. There was some Council discussion. Council member Nagy made a motion to approve the resolution. The motion was seconded by Council member Hasness, and carried 4-0, with Council member Anderson absent.

6. Discussion and Direction: Desired Business List

1. *Receive Staff Report*
2. *Receive Public Comment*
3. *Discuss and provide direction*

City Manager Scully presented the staff report. Kathy Mendonca, of Gustine, inquired about the status of downtown building owners complying with keeping their building up to code, to which City Manager Scully provided information. Several desired business suggestions were offered from Council, including a grocery store, food and beverage establishments, clothing retail, and a veterinarian. Rick Nagle, of 404 Jensen Rd, Gustine, inquired on the status of the consulting firm that was hired to assess Gustine's Downtown Economic Development, City Manager Scully provided information. Mr. Nagle also suggested an establishment with light fare and live music. There was a discussion on how to attract potential businesses to Gustine. Mike Gandy, of 1135 Bonta Ave, Gustine, inquired on whether the City is in a position to assist current Downtown property owners to bring their buildings up to code, to which City Manager Scully provided information. The Mayor suggested that the City send a letter to the Merced County Board of Supervisors to assist with land for light commercial businesses. Vic Andersen of 764 Linden Ave, Gustine mentioned that the Gustine Airport should not be forgotten. Mrs. Mendonca suggested a

produce co-op business. Judi Gandy, of 1135 Bonta Ave, Gustine, provided more information on Mr. Gandy's inquiry about whether the City could assist building owners with their buildings. City Manager Scully advised that he would bring forth a list of parameters to keep this process moving.

CITY DEPARTMENT REPORTS

Fire Chief Borrelli advised on recent calls for service that his department responded to.

CITY MANAGER REPORT

City Manager Scully advised that staff would present Council with an item discussing the purchase of solar panels for City Hall, the Police Department, the Fire Department and other City facilities. He also reported that the budget would be forthcoming. He provided an update on the relocation of the PG&E pole located at the marquee sign. Lastly, he updated that the City has successfully switched to fiber internet service.

CITY COUNCIL REPORTS

Council member Hasness gave a report on her tour of City facilities with Public Works Director Reyes. She advised on her attendance at the Merced County Historic Society Gustine exhibit. She expressed her excitement in the beautification of the marquee landscaping. She also advised that Gustine would be represented by a team in the Westside Health Care Task Force's Biggest Loser competition.

Council member Nagy advised on his attendance at the Merced County Historic Society Gustine exhibit, which will be ongoing thru September 25th.

Mayor Pro Tem Oliveira expressed his appreciation of the start of the Downtown Business discussion. He advised that the Biggest Loser competitions weigh out would be held at the Goman Center in October. He advised on his attendance at the recent Westside Healthcare Task Force meeting in Gustine. He advised that he would be attending a meeting at Merced County Association of Governments on Tuesday, which will include a discussion on a potential sales tax initiative to assist with road conditions within the county.

City Manager Scully advised that Gustine Recreation would be holding a Co-Ed Fall Softball league, and will be working on coordinating a 3 on 3 tournament for adult basketball.

Mayor Brazil advised on his attendance at the Merced County Historic Society Gustine exhibit. He also advised on his meeting with City Manager Scully relating to roads state wide. He gave an update on the re-paving of Hunt Rd up to Meredith Ave.

CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATOR. Pursuant to Government Code Section 54957.6. Agency Negotiator: City Manager: Employee organization: City of Gustine Police Officers Association.**

After discussion of the above items in closed session, Council returned to open session where

Council member Nagy made a motion to approve closed session item 1. The motion was seconded by Mayor Pro Tem Oliveira, and carried 4-0 with Council member Nagy absent.

ADJOURNMENT

Mayor Pro Tem Oliveira moved to adjourn the meeting. The motion was seconded by Council member Nagy. The meeting adjourned at 8:37 P.M.

ATTEST:

CITY CLERK

MAYOR BRAZIL

**MINUTES OF
SPECIAL MEETING
AUGUST 11, 2015**

CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Pro Tem Oliveira called the meeting to order at 5:16 P.M.

ROLL CALL

Council Members: Hasness, Anderson, Nagy, Oliveira

Staff Present: City Manager Sean Scully, and Public Works Director Kathryn Reyes

PUBLIC COMMENT

There was public comment.

ADMINISTRATIVE AGENDA

1. Visit and Discussion of Electronic Marquee Sign Landscaping

Pursuant to Government Code Section 54956(a).

Site to be visited:

Electronic Marquee Sign, Northwest Corner of 1st Ave and Hwy 33/SR 140

City Manager Scully introduced the administrative item. There was a lengthy conversation between Council and members of the public in attendance. Council provided staff with direction on how to proceed with a landscape plan at the marquee sign location.

CLOSED SESSION

ADJOURNMENT

Council member Anderson moved to adjourn the meeting. The motion was seconded by Council member Hasness. The meeting adjourned at 5:52 P.M.

ATTEST:

CITY CLERK

MAYOR BRAZIL



City of Gustine, CA

WARRANT LIST

By Vendor Name

Post Dates 08/05/2015 - 08/18/2015

Vendor Name	Payment Number	Payable Number	Description (Item)	Post Date	Amount
Vendor: 00428 - ACE HARDWARE OF GUSTINE					
ACE HARDWARE OF GUSTINE	40078	285036	DUSTER	08/18/2015	12.95
ACE HARDWARE OF GUSTINE	40078	285397	IRRIGATION PARTS	08/18/2015	7.01
ACE HARDWARE OF GUSTINE	40078	285399	IRRIGATION PARTS	08/18/2015	0.64
ACE HARDWARE OF GUSTINE	40078	285502	SUPPLIES	08/18/2015	9.69
ACE HARDWARE OF GUSTINE	40078	285549	SUPPLIES / PW	08/18/2015	67.45
ACE HARDWARE OF GUSTINE	40078	285595	PARK SUPPLIES	08/18/2015	22.66
ACE HARDWARE OF GUSTINE	40078	285600	PARTS / POOL	08/18/2015	2.15
ACE HARDWARE OF GUSTINE	40078	285932	STRAPS	08/18/2015	28.06
ACE HARDWARE OF GUSTINE	40078	285946	P.D. SUPPLIES	08/18/2015	16.49
ACE HARDWARE OF GUSTINE	40078	285972	IRRIGATION	08/18/2015	28.06
ACE HARDWARE OF GUSTINE	40078	286069	IRRIGATION	08/18/2015	23.24
ACE HARDWARE OF GUSTINE	40078	286073	WELL REPAIR PARTS	08/18/2015	22.20
ACE HARDWARE OF GUSTINE	40078	286074	CREDIT WELL PARTS	08/18/2015	-3.24
ACE HARDWARE OF GUSTINE	40078	286075	PARKS SUPPLIES	08/18/2015	8.94
ACE HARDWARE OF GUSTINE	40078	286077	IRRIGATION SUPPLIES	08/18/2015	8.38
ACE HARDWARE OF GUSTINE	40078	286078	HOSE / POOL	08/18/2015	2.15
ACE HARDWARE OF GUSTINE	40078	286116	PARTS WATER	08/18/2015	41.82
ACE HARDWARE OF GUSTINE	40078	286118	CREDIT PARTS / WATER	08/18/2015	-15.22
ACE HARDWARE OF GUSTINE	40078	286147	EXTENSION CORD	08/18/2015	18.35
ACE HARDWARE OF GUSTINE	40078	286200	SUPPLIES	08/18/2015	9.17
ACE HARDWARE OF GUSTINE	40078	286204	GRAFITTI REMOVER	08/18/2015	10.79
ACE HARDWARE OF GUSTINE	40078	286223	KEY	08/18/2015	3.99
ACE HARDWARE OF GUSTINE	40078	286229	SUPPLIES WW PLANT	08/18/2015	4.31
ACE HARDWARE OF GUSTINE	40078	286323	POOL SUPPLIES	08/18/2015	131.61
ACE HARDWARE OF GUSTINE	40078	286573	SUPPLIES	08/18/2015	5.39
ACE HARDWARE OF GUSTINE	40078	286582	TAPE	08/18/2015	3.87
ACE HARDWARE OF GUSTINE	40078	286586	POOL PARTS	08/18/2015	7.31
ACE HARDWARE OF GUSTINE	40078	286601	IRRIGATION PARTS	08/18/2015	7.54
ACE HARDWARE OF GUSTINE	40078	286632	P.D. SUPPLIES	08/18/2015	31.94
ACE HARDWARE OF GUSTINE	40078	286664	MEASURING TAPE TOOLS	08/18/2015	13.49
ACE HARDWARE OF GUSTINE	40078	286704	IRRIGATION SUPPLIES	08/18/2015	39.67
ACE HARDWARE OF GUSTINE	40078	286793	BATTERIES / EQUIP.	08/18/2015	9.71
ACE HARDWARE OF GUSTINE	40078	286804	SCREW / SUPPLIES	08/18/2015	0.27
ACE HARDWARE OF GUSTINE	40078	286820	POOL SUPPLIES	08/18/2015	8.63
ACE HARDWARE OF GUSTINE	40078	286835	SUPPLIES	08/18/2015	2.76
ACE HARDWARE OF GUSTINE	40078	286884	SUPPLIES / TOOLS	08/18/2015	56.14
ACE HARDWARE OF GUSTINE	40078	286886	SUPPLIES	08/18/2015	17.79
ACE HARDWARE OF GUSTINE	40078	286978	KEYS / P.D.	08/18/2015	9.26
ACE HARDWARE OF GUSTINE	40078	287009	CABLE TIES	08/18/2015	12.94
ACE HARDWARE OF GUSTINE	40078	287016	BULBS	08/18/2015	37.72
ACE HARDWARE OF GUSTINE	40078	287043	CHLORINE / POOL	08/18/2015	48.55
ACE HARDWARE OF GUSTINE	40078	287268	ANTIFREEZE	08/18/2015	30.22
ACE HARDWARE OF GUSTINE	40078	287368	SUPPLIES	08/18/2015	7.00
ACE HARDWARE OF GUSTINE	40078	287384	P.D. POSTAGE	08/18/2015	10.53
ACE HARDWARE OF GUSTINE	40078	287463	IRRIGATION	08/18/2015	8.62
ACE HARDWARE OF GUSTINE	40078	287679	LIBRARY PLUMBING	08/18/2015	3.21
ACE HARDWARE OF GUSTINE	40078	287681	FACILITY REPAIR	08/18/2015	19.09
Vendor 00428 - ACE HARDWARE OF GUSTINE Total:					853.30
Vendor: 00041 - AIRNAV LLC					
AIRNAV LLC	40082	1951945	AIRNAV MEMBERSHIP	08/18/2015	131.00
Vendor 00041 - AIRNAV LLC Total:					131.00
Vendor: 00164 - AMERICAN WATER WORKS ASSOCIATION					
AMERICAN WATER WORKS AS	40083	00142530	AWWA MEMBERSHIP	08/18/2015	206.50

WARRANT LIST

Post Dates: 08/05/2015 - 08/18/2015

Vendor Name	Payment Number	Payable Number	Description (Item)	Post Date	Amount
AMERICAN WATER WORKS AS	40083	00142530	AWWA MEMBERSHIP	08/18/2015	206.50
Vendor 00164 - AMERICAN WATER WORKS ASSOCIATION Total:					413.00
Vendor: 00087 - AMERIPRIDE					
AMERIPRIDE	40084	1501418480	FD CLEANING SUPPLIES	08/18/2015	58.92
Vendor 00087 - AMERIPRIDE Total:					58.92
Vendor: 00119 - ARAMARK UNIFORM SERVICES INC					
ARAMARK UNIFORM SERVICE	40085	506-3963149	PW UNIFORMS	08/18/2015	3.10
ARAMARK UNIFORM SERVICE	40085	506-3963149	PW UNIFORMS	08/18/2015	3.11
ARAMARK UNIFORM SERVICE	40085	506-3963149	PW UNIFORMS	08/18/2015	6.20
ARAMARK UNIFORM SERVICE	40085	506-3963149	PW UNIFORMS	08/18/2015	5.58
ARAMARK UNIFORM SERVICE	40085	506-3963149	PW UNIFORMS	08/18/2015	13.02
ARAMARK UNIFORM SERVICE	40085	506-3963149	PW UNIFORMS	08/18/2015	25.42
ARAMARK UNIFORM SERVICE	40085	506-3963149	PW UNIFORMS	08/18/2015	5.58
Vendor 00119 - ARAMARK UNIFORM SERVICES INC Total:					62.01
Vendor: 00148 - AT&T CALNET 2					
AT&T CALNET 2	40086	000006888707	TELEPHONE 2343425696560	08/18/2015	0.01
AT&T CALNET 2	40086	000006888707	TELEPHONE 2343425696560	08/18/2015	0.06
AT&T CALNET 2	40086	000006888707	TELEPHONE 2343425696560	08/18/2015	0.02
AT&T CALNET 2	40086	000006888707	TELEPHONE 2343425696560	08/18/2015	0.02
AT&T CALNET 2	40086	000006888707	TELEPHONE 2343425696560	08/18/2015	0.01
AT&T CALNET 2	40086	000006888708	TELEPHONE SERVICE	08/18/2015	0.04
AT&T CALNET 2	40086	000006888708	TELEPHONE SERVICE	08/18/2015	0.39
AT&T CALNET 2	40086	000006888708	TELEPHONE SERVICE	08/18/2015	0.16
AT&T CALNET 2	40086	000006888708	TELEPHONE SERVICE	08/18/2015	0.16
AT&T CALNET 2	40086	000006888708	TELEPHONE SERVICE	08/18/2015	0.03
AT&T CALNET 2	40086	000006888711	TELEPHONE SERVICE	08/18/2015	0.02
AT&T CALNET 2	40086	000006888711	TELEPHONE SERVICE	08/18/2015	0.18
AT&T CALNET 2	40086	000006888711	TELEPHONE SERVICE	08/18/2015	0.07
AT&T CALNET 2	40086	000006888711	TELEPHONE SERVICE	08/18/2015	0.07
AT&T CALNET 2	40086	000006888711	TELEPHONE SERVICE	08/18/2015	0.01
Vendor 00148 - AT&T CALNET 2 Total:					1.25
Vendor: 02195 - B & G AUTO PARTS					
B & G AUTO PARTS	40087	00010215845	COOLANT HOSE	08/18/2015	24.04
Vendor 02195 - B & G AUTO PARTS Total:					24.04
Vendor: 02215 - BAKER SUPPLIES AND REPAIRS					
BAKER SUPPLIES AND REPAIR	40088	16259	MULE REPAIR	08/18/2015	304.41
BAKER SUPPLIES AND REPAIR	40088	16511	MIX/ OIL	08/18/2015	136.62
Vendor 02215 - BAKER SUPPLIES AND REPAIRS Total:					441.03
Vendor: 00309 - CALIFORNIA STATE DISBURSEMENT UNIT					
CALIFORNIA STATE DISBURSE	40089	PR- 8/8/15	PAYROLL DEDUCTIONS	08/18/2015	242.30
Vendor 00309 - CALIFORNIA STATE DISBURSEMENT UNIT Total:					242.30
Vendor: 00413 - CITY OF GUSTINE					
CITY OF GUSTINE	40090	AUGUST 2015	BORRELLI UTILITY	08/18/2015	1,334.85
Vendor 00413 - CITY OF GUSTINE Total:					1,334.85
Vendor: 00409 - CITY OF NEWMAN					
CITY OF NEWMAN	40091	0001896	PRE EMPLOYMENT SCREENIN	08/18/2015	114.00
CITY OF NEWMAN	40091	0001896	PRE EMPLOYMENT SCREENIN	08/18/2015	15.00
CITY OF NEWMAN	40091	0001896	PRE EMPLOYMENT SCREENIN	08/18/2015	57.00
Vendor 00409 - CITY OF NEWMAN Total:					186.00
Vendor: 00454 - COOK'S COMMUNICATIONS					
COOK'S COMMUNICATIONS	40092	125042	FD REPAIR	08/18/2015	133.00
Vendor 00454 - COOK'S COMMUNICATIONS Total:					133.00
Vendor: 01546 - CSG CONSULTING - PRECISION					
CSG CONSULTING - PRECISIO	40093	7104	JULY 2015	08/18/2015	3,733.01
Vendor 01546 - CSG CONSULTING - PRECISION Total:					3,733.01
Vendor: 02248 - DAVID JAMES FRANCIS					
DAVID JAMES FRANCIS	40094	7142015	LIGHT REPAIR PARKS	08/18/2015	362.69

WARRANT LIST

Post Dates: 08/05/2015 - 08/18/2015

Vendor Name	Payment Number	Payable Number	Description (Item)	Post Date	Amount
DAVID JAMES FRANCIS	40094	7172015	FLAG POLE LIGHT	08/18/2015	1,242.00
Vendor 02248 - DAVID JAMES FRANCIS Total:					1,604.69
Vendor: 00564 - DICK FORD'S TRACTOR REPAIR					
DICK FORD'S TRACTOR REPAI	40095	135929	TRACTOR PIN	08/18/2015	11.30
DICK FORD'S TRACTOR REPAI	40095	136203	SPRAY GUN	08/18/2015	37.63
Vendor 00564 - DICK FORD'S TRACTOR REPAIR Total:					48.93
Vendor: 00515 - DOMINGOS PONCEANO					
DOMINGOS PONCEANO	40096	1289	JANITORIAL	08/18/2015	1,150.00
Vendor 00515 - DOMINGOS PONCEANO Total:					1,150.00
Vendor: 00617 - E & M ELECTRIC CO.					
E & M ELECTRIC CO.	40097	77917	STREET LIGHT REPAIR	08/18/2015	400.00
E & M ELECTRIC CO.	40097	77998	AERATOR MOTOR	08/18/2015	2,551.52
E & M ELECTRIC CO.	40097	78014	AERATOR REPAIR	08/18/2015	160.00
E & M ELECTRIC CO.	40097	78033	AERATOR REPAIR / CRANE	08/18/2015	620.00
Vendor 00617 - E & M ELECTRIC CO. Total:					3,731.52
Vendor: 00634 - EFTPS					
EFTPS	1782	TPR-8/4/15	PAYROLL TAXES	08/18/2015	548.42
EFTPS	1783	TPR- 8/4/2015	PAYROLL TAXES	08/18/2015	363.22
EFTPS	1784	TPR- 08/04/15	PAYROLL TAXES	08/18/2015	84.94
EFTPS	1787	TPR- 8/10/15	PAYROLL TAXES	08/18/2015	419.55
EFTPS	1788	TPR- 08/10/15	PAYROLL TAXES	08/18/2015	209.06
EFTPS	1789	TPR- 08/10/2015	PAYROLL TAXES	08/18/2015	893.80
EFTPS	1792	PR- 8/8/15	PAYROLL TAXES	08/18/2015	6,531.40
EFTPS	1793	PR- 08/08/15	PAYROLL TAXES	08/18/2015	1,527.44
EFTPS	1794	PR- 8/8/2015	PAYROLL TAXES	08/18/2015	5,834.19
Vendor 00634 - EFTPS Total:					16,412.02
Vendor: 00626 - EMPLOYMENT DEVELOPMENT DEPT					
EMPLOYMENT DEVELOPMEN	1785	TPR- 8/4/15	PAYROLL TAXES	08/18/2015	178.56
EMPLOYMENT DEVELOPMEN	1786	TPR- 08/04/15	PAYROLL TAXES	08/18/2015	26.36
EMPLOYMENT DEVELOPMEN	1790	PR- 8/10/15	PAYROLL TAXES	08/18/2015	11.79
EMPLOYMENT DEVELOPMEN	1791	TPR- 808/10/2015	PAYROLL TAXES	08/18/2015	64.87
EMPLOYMENT DEVELOPMEN	1795	PR- 8/8/15	PAYROLL TAXES	08/18/2015	1,808.32
EMPLOYMENT DEVELOPMEN	1796	PR- 08/08/15	PAYROLL TAXES	08/18/2015	388.51
Vendor 00626 - EMPLOYMENT DEVELOPMENT DEPT Total:					2,478.41
Vendor: 00769 - GARTON FORD TRACTOR					
GARTON FORD TRACTOR	40098	NC35113	TRACTOR PARTS	08/18/2015	279.53
Vendor 00769 - GARTON FORD TRACTOR Total:					279.53
Vendor: 02198 - GEORGE OSNER, AICP URBAN PLANNING					
GEORGE OSNER, AICP URBAN	40099	JUNE-JULY 2015	PLANNING	08/18/2015	990.00
Vendor 02198 - GEORGE OSNER, AICP URBAN PLANNING Total:					990.00
Vendor: 00786 - GILTON SOLID WASTE MANAGEMENT INC					
GILTON SOLID WASTE MANA	40100	JULY 2015 BINS	TRASH BINS	08/18/2015	244.76
Vendor 00786 - GILTON SOLID WASTE MANAGEMENT INC Total:					244.76
Vendor: 02154 - IEH AQUATIC RESEARCH					
IEH AQUATIC RESEARCH	40101	130028	WW ANALYSIS	08/18/2015	520.00
Vendor 02154 - IEH AQUATIC RESEARCH Total:					520.00
Vendor: 00981 - IEH-JL ANALYTICAL					
IEH-JL ANALYTICAL	40102	350729	WW ANALYSIS	08/18/2015	518.00
IEH-JL ANALYTICAL	40102	352187	WW ANALYSIS	08/18/2015	144.00
Vendor 00981 - IEH-JL ANALYTICAL Total:					662.00
Vendor: 00931 - INFOSEND BILLING					
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	35.88
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	26.26
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	14.35
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	10.50
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	236.79
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	210.76

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Post Dates: 08/05/2015 - 08/18/2015

Vendor Name	Payment Number	Payable Number	Description (Item)	Post Date	Amount
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	236.79
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	173.32
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	193.74
INFOSEND BILLING	40103	95093	JULY BILL 2015	08/18/2015	141.80
Vendor 00931 - INFOSEND BILLING Total:					1,280.19
Vendor: 00857 - JIM HAMERA					
JIM HAMERA	40104	07302015 MILAGE	PD MILAGE REIMB	08/18/2015	73.45
JIM HAMERA	40104	08132015 PD SUPPLIES	REIMB PD SUPPLIES	08/18/2015	12.15
Vendor 00857 - JIM HAMERA Total:					85.60
Vendor: 00468 - MELANIE CORREA					
MELANIE CORREA	40105	JULY 30 NOBHILL	MTG SUPPLIES	08/18/2015	19.24
Vendor 00468 - MELANIE CORREA Total:					19.24
Vendor: 01874 - MERCED COUNTY TAX COLLECTOR					
MERCED COUNTY TAX COLLE	40106	JULY 2015 063-130-055-000	TAXES RENTAL BLDG	08/18/2015	351.32
Vendor 01874 - MERCED COUNTY TAX COLLECTOR Total:					351.32
Vendor: 01297 - MODESTO JUNIOR COLLEGE					
MODESTO JUNIOR COLLEGE	40107	G071502	YLEAD PLANETARIUM TOUR	08/18/2015	607.50
Vendor 01297 - MODESTO JUNIOR COLLEGE Total:					607.50
Vendor: 01350 - NAMAKAN WEST FISHERIES					
NAMAKAN WEST FISHERIES	40076	26820	FISHING DERBY FISH	08/11/2015	500.00
Vendor 01350 - NAMAKAN WEST FISHERIES Total:					500.00
Vendor: 01377 - NEWMAN ACE HARDWARE					
NEWMAN ACE HARDWARE	40108	456502	CHLORINE	08/18/2015	107.52
Vendor 01377 - NEWMAN ACE HARDWARE Total:					107.52
Vendor: 01399 - NORMAC					
NORMAC	40109	662796	IRRIGATION SUPPLIES / BORE	08/18/2015	315.92
Vendor 01399 - NORMAC Total:					315.92
Vendor: 01448 - OPERATING ENGINEERS LOCAL #3					
OPERATING ENGINEERS LOCA	40110	PR- 08/08/15	PAYROLL DEDUCTIONS	08/18/2015	88.00
OPERATING ENGINEERS LOCA	40110	PR- 8/8/15	PAYROLL DEDUCTIONS	08/18/2015	188.00
Vendor 01448 - OPERATING ENGINEERS LOCAL #3 Total:					276.00
Vendor: 01475 - PARREIRAS AUTO REPAIR					
PARREIRAS AUTO REPAIR	40111	28988	SERVICE FIRE TRUCK	08/18/2015	321.75
Vendor 01475 - PARREIRAS AUTO REPAIR Total:					321.75
Vendor: 01533 - POLICE OFFICERS ASSOC					
POLICE OFFICERS ASSOC	40112	PR- 8/8/15	PAYROLL DEDUCTIONS	08/18/2015	480.00
Vendor 01533 - POLICE OFFICERS ASSOC Total:					480.00
Vendor: 01541 - POSTER COMPLIANCE CENTER					
POSTER COMPLIANCE CENTE	40113	2472581-RN	COMPLIANCE/ TRAINING POS	08/18/2015	31.05
POSTER COMPLIANCE CENTE	40113	2472581-RN	COMPLIANCE/ TRAINING POS	08/18/2015	10.35
POSTER COMPLIANCE CENTE	40113	2472581-RN	COMPLIANCE/ TRAINING POS	08/18/2015	10.35
POSTER COMPLIANCE CENTE	40113	2472581-RN	COMPLIANCE/ TRAINING POS	08/18/2015	4.14
POSTER COMPLIANCE CENTE	40113	2472581-RN	COMPLIANCE/ TRAINING POS	08/18/2015	72.45
POSTER COMPLIANCE CENTE	40113	2472581-RN	COMPLIANCE/ TRAINING POS	08/18/2015	57.96
POSTER COMPLIANCE CENTE	40113	2472581-RN	COMPLIANCE/ TRAINING POS	08/18/2015	10.35
POSTER COMPLIANCE CENTE	40113	2472581-RN	COMPLIANCE/ TRAINING POS	08/18/2015	10.35
Vendor 01541 - POSTER COMPLIANCE CENTER Total:					207.00
Vendor: 01510 - PUBLIC EMP RETIREMENT SYSTEM					
PUBLIC EMP RETIREMENT SYS	1797	PR-8/8/15EECLASSICMISC	RETIREMENT CONTRIBUTION	08/18/2015	2,057.28
PUBLIC EMP RETIREMENT SYS	1798	PR-7/11/15EECLASSICSAFETY	RETIREMENT CONTRIBUTION	08/18/2015	1,303.68
PUBLIC EMP RETIREMENT SYS	1799	PR-7/11/15EENEWSAFETY	RETIREMENT CONTRIBUTION	08/18/2015	554.99
PUBLIC EMP RETIREMENT SYS	1800	PR-7/11/15ERCLASSICMISC	RETIREMENT CONTRIBUTION	08/18/2015	2,408.99
PUBLIC EMP RETIREMENT SYS	1801	PR-7/11/15ERCLASSICSAFETY	RETIREMENT CONTRIBUTION	08/18/2015	2,319.60
PUBLIC EMP RETIREMENT SYS	1802	PR-7/11/15ERNEWSAFETY	RETIREMENT CONTRIBUTION	08/18/2015	538.30
Vendor 01510 - PUBLIC EMP RETIREMENT SYSTEM Total:					9,182.84

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Vendor Name	Payment Number	Payable Number	Description (Item)	Post Date	Amount
Vendor: 01575 - QUICK PC SUPPORT					
QUICK PC SUPPORT	40114	10299	PD WIRELESS YEARLY CHARGE	08/18/2015	1,850.00
QUICK PC SUPPORT	40114	10308	MONTHLY ONLINE BACKUP P.D	08/18/2015	145.00
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	21.70
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	21.70
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	108.50
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	32.55
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	32.55
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	21.70
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	32.55
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	162.75
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	217.00
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	217.00
QUICK PC SUPPORT	40114	10309	I.T. SUPPORT	08/18/2015	217.00
QUICK PC SUPPORT	40114	10310	MONTHLY P.D.	08/18/2015	945.00
Vendor 01575 - QUICK PC SUPPORT Total:					4,025.00

Vendor: 01667 - R & S ERECTION					
R & S ERECTION	40115	0049535-IN	GATE REPAIR	08/18/2015	315.00
Vendor 01667 - R & S ERECTION Total:					315.00

Vendor: 01628 - RICO PFITZER PIRES & ASSOC					
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	6.07
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	3.37
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	10.45
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	10.12
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	236.01
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	33.71
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	14.50
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	1.69
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	1.69
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	1.69
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	30.35
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	1.69
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	1.69
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	6.74
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	26.13
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	33.72
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	0.67
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	2.53
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	3.03
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	5.39
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	10.11
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	11.80
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	20.23
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	91.37
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	8.43
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	10.11
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	20.23
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	92.71
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	1.66
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	6.74
RICO PFITZER PIRES & ASSOC	40116	290	HEALTH INSURANCE ADMIN	08/18/2015	3.37
Vendor 01628 - RICO PFITZER PIRES & ASSOC Total:					708.00

Vendor: 02262 - ROBERT HALF INTERNATIONAL					
ROBERT HALF INTERNATIONAL	40117	43548417	PT HRLY HELP	08/18/2015	22.48
ROBERT HALF INTERNATIONAL	40117	43548417	PT HRLY HELP	08/18/2015	4.50
ROBERT HALF INTERNATIONAL	40117	43548417	PT HRLY HELP	08/18/2015	152.88
ROBERT HALF INTERNATIONAL	40117	43548417	PT HRLY HELP	08/18/2015	152.88
ROBERT HALF INTERNATIONAL	40117	43548417	PT HRLY HELP	08/18/2015	116.91
ROBERT HALF INTERNATIONAL	40117	43641822	PT HRLY HELP	08/18/2015	22.55

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Vendor Name	Payment Number	Payable Number	Description (Item)	Post Date	Amount
ROBERT HALF INTERNATIONAL	40117	43641822	PT HRLY HELP	08/18/2015	4.51
ROBERT HALF INTERNATIONAL	40117	43641822	PT HRLY HELP	08/18/2015	153.34
ROBERT HALF INTERNATIONAL	40117	43641822	PT HRLY HELP	08/18/2015	153.34
ROBERT HALF INTERNATIONAL	40117	43641822	PT HRLY HELP	08/18/2015	117.26
Vendor 02262 - ROBERT HALF INTERNATIONAL Total:					900.65
Vendor: 01694 - SAN JOAQUIN VALLEY UNIFIED AIR POLL					
SAN JOAQUIN VALLEY UNIFIE	40118	N111704	AIRPORT FUEL TANK PERMIT	08/18/2015	98.00
Vendor 01694 - SAN JOAQUIN VALLEY UNIFIED AIR POLL Total:					98.00
Vendor: 01751 - SHRED-IT					
SHRED-IT	40119	9406914388	SHRED SERVICES	08/18/2015	4.70
SHRED-IT	40119	9406914388	SHRED SERVICES	08/18/2015	47.04
SHRED-IT	40119	9406914388	SHRED SERVICES	08/18/2015	18.82
SHRED-IT	40119	9406914388	SHRED SERVICES	08/18/2015	18.82
SHRED-IT	40119	9406914388	SHRED SERVICES	08/18/2015	4.70
Vendor 01751 - SHRED-IT Total:					94.08
Vendor: 01781 - SMART&FINAL					
SMART&FINAL	40120	4061600178183	POOL SNACK BAR	08/18/2015	955.40
Vendor 01781 - SMART&FINAL Total:					955.40
Vendor: 01826 - STAPLES CREDIT PLAN					
STAPLES CREDIT PLAN	40121	1338541951	OFFICE SUPPLIES	08/18/2015	1.86
STAPLES CREDIT PLAN	40121	1338541951	OFFICE SUPPLIES	08/18/2015	0.47
STAPLES CREDIT PLAN	40121	1338541951	OFFICE SUPPLIES	08/18/2015	6.98
STAPLES CREDIT PLAN	40121	1338541951	OFFICE SUPPLIES	08/18/2015	6.98
STAPLES CREDIT PLAN	40121	1338541951	OFFICE SUPPLIES	08/18/2015	6.99
STAPLES CREDIT PLAN	40121	1355520401	OFFICE SUPPLIES	08/18/2015	16.71
STAPLES CREDIT PLAN	40121	1355520401	OFFICE SUPPLIES	08/18/2015	4.18
STAPLES CREDIT PLAN	40121	1355520401	OFFICE SUPPLIES	08/18/2015	62.68
STAPLES CREDIT PLAN	40121	1355520401	OFFICE SUPPLIES	08/18/2015	62.68
STAPLES CREDIT PLAN	40121	1355520401	OFFICE SUPPLIES	08/18/2015	62.68
STAPLES CREDIT PLAN	40121	135888211	OFFICE SUPPLIES	08/18/2015	36.66
STAPLES CREDIT PLAN	40121	135888211	OFFICE SUPPLIES	08/18/2015	9.16
STAPLES CREDIT PLAN	40121	135888211	OFFICE SUPPLIES	08/18/2015	137.48
STAPLES CREDIT PLAN	40121	135888211	OFFICE SUPPLIES	08/18/2015	137.48
STAPLES CREDIT PLAN	40121	135888211	OFFICE SUPPLIES	08/18/2015	137.47
STAPLES CREDIT PLAN	40121	8806937001	OFFICE SUPPLIES	08/18/2015	5.61
STAPLES CREDIT PLAN	40121	8806937001	OFFICE SUPPLIES	08/18/2015	1.40
STAPLES CREDIT PLAN	40121	8806937001	OFFICE SUPPLIES	08/18/2015	21.04
STAPLES CREDIT PLAN	40121	8806937001	OFFICE SUPPLIES	08/18/2015	21.04
STAPLES CREDIT PLAN	40121	8806937001	OFFICE SUPPLIES	08/18/2015	21.03
Vendor 01826 - STAPLES CREDIT PLAN Total:					760.58
Vendor: 01400 - TENNEY A. NORQUIST					
TENNEY A. NORQUIST	40122	17679	GOMAN A/C REPAIR	08/18/2015	19.60
Vendor 01400 - TENNEY A. NORQUIST Total:					19.60
Vendor: 01886 - TERMINIX INTERNATIONAL					
TERMINIX INTERNATIONAL	40123	346932361	PEST CONTROL	08/18/2015	62.00
TERMINIX INTERNATIONAL	40123	347220128	LIBRARY	08/18/2015	34.00
Vendor 01886 - TERMINIX INTERNATIONAL Total:					96.00
Vendor: 01889 - TESEI PETROLEUM					
TESEI PETROLEUM	40124	36658	FUEL FD/PD/PW VEHICLE	08/18/2015	77.25
TESEI PETROLEUM	40124	36658	FUEL FD/PD/PW VEHICLE	08/18/2015	1,009.36
TESEI PETROLEUM	40124	36658	FUEL FD/PD/PW VEHICLE	08/18/2015	60.41
TESEI PETROLEUM	40124	36658	FUEL FD/PD/PW VEHICLE	08/18/2015	196.65
TESEI PETROLEUM	40124	36658	FUEL FD/PD/PW VEHICLE	08/18/2015	42.14
TESEI PETROLEUM	40124	36658	FUEL FD/PD/PW VEHICLE	08/18/2015	205.78
TESEI PETROLEUM	40124	36658	FUEL FD/PD/PW VEHICLE	08/18/2015	206.47
Vendor 01889 - TESEI PETROLEUM Total:					1,798.06
Vendor: 02299 - TIFFANY VITORINO					
TIFFANY VITORINO	40077	08032015	FISHING DEBY PRIZES REIMB	08/11/2015	47.31

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Post Dates: 08/05/2015 - 08/18/2015

Vendor Name	Payment Number	Payable Number	Description (Item)	Post Date	Amount
TIFFANY VITORINO	40077	08102015 DERBY 3	FISHING DERBY REIMB	08/11/2015	136.05
TIFFANY VITORINO	40077	08102015	FISHING DERBY REIMB	08/11/2015	278.98
Vendor 02299 - TIFFANY VITORINO Total:					462.34
Vendor: 01960 - U S BANK					
U S BANK	40125	07222015	LEAGUE CONFERENCE	08/18/2015	453.90
U S BANK	40125	07222015	LEAGUE CONFERENCE	08/18/2015	151.30
U S BANK	40125	07222015	LEAGUE CONFERENCE	08/18/2015	151.30
U S BANK	40125	07222015	LEAGUE CONFERENCE	08/18/2015	60.52
U S BANK	40125	07222015	LEAGUE CONFERENCE	08/18/2015	1,059.10
U S BANK	40125	07222015	LEAGUE CONFERENCE	08/18/2015	847.28
U S BANK	40125	07222015	LEAGUE CONFERENCE	08/18/2015	151.30
U S BANK	40125	07222015	LEAGUE CONFERENCE	08/18/2015	151.30
Vendor 01960 - U S BANK Total:					3,026.00
Vendor: 01988 - VERIZON WIRELESS					
VERIZON WIRELESS	40126	9749538949	TELEPHONE SERVICE	08/18/2015	57.32
VERIZON WIRELESS	40126	9749538949	TELEPHONE SERVICE	08/18/2015	573.22
VERIZON WIRELESS	40126	9749538949	TELEPHONE SERVICE	08/18/2015	229.29
VERIZON WIRELESS	40126	9749538949	TELEPHONE SERVICE	08/18/2015	229.29
VERIZON WIRELESS	40126	9749538949	TELEPHONE SERVICE	08/18/2015	57.33
Vendor 01988 - VERIZON WIRELESS Total:					1,146.45
Vendor: 02013 - WASHINGTON STATE SUPPORT REGISTRY					
WASHINGTON STATE SUPPOR	40127	PR- 8/8/15	PAYROLL DEDUCTION	08/18/2015	142.71
Vendor 02013 - WASHINGTON STATE SUPPORT REGISTRY Total:					142.71
Vendor: 02031 - WESTSIDE WELDING & RADIATOR					
WESTSIDE WELDING & RADIA	40128	9439	EQUIP REPAIR	08/18/2015	305.51
Vendor 02031 - WESTSIDE WELDING & RADIATOR Total:					305.51
Vendor: 02060 - YANCEY LUMBER CO					
YANCEY LUMBER CO	40129	A2015029376	PAINT/GRAFFITIT	08/18/2015	161.54
YANCEY LUMBER CO	40129	A2015029583	CHLORINE	08/18/2015	116.10
YANCEY LUMBER CO	40129	A2015032363	CHLORINE / POOL	08/18/2015	77.04
YANCEY LUMBER CO	40129	A2015032734	CHLORINE POOL	08/18/2015	30.96
YANCEY LUMBER CO	40129	A2015033154	CHLORINE / POOL	08/18/2015	38.71
YANCEY LUMBER CO	40129	A2015033721	CONCRETE / BORRELLI	08/18/2015	94.50
Vendor 02060 - YANCEY LUMBER CO Total:					518.85
Grand Total:					64,842.68

Report Summary

Fund Summary

Fund	Payment Amount
001 - GENERAL FUND	13,922.35
002 - UTILITY TAX FUND	622.50
009 - COMMUNITY CENTER FUND	250.49
016 - SWIM POOL FUND	1,554.91
017 - CITY WIDE LIGHTING & LAND	859.71
019 - RECREATION FUND	1,053.58
021 - ST/SIDEWALK MAINT	201.79
024 - COPS GRANT	33.72
035 - PUBLIC FACILITIES FUND	1,242.00
059 - STORM DRAIN	288.10
060 - WATER FUND	3,551.86
061 - SEWER FUND	8,410.75
062 - REFUSE	1,488.95
063 - AIRPORT FUND	402.42
074 - ASSESS - BORRELLI	1,745.27
099 - PAYROLL TRUST FUND	29,214.28
Grand Total:	64,842.68

Account Summary

Account Number	Account Name	Payment Amount
001-0110-530.089-00	COMMUNITY PROMOTI	19.24
001-0110-530.201-00	OTHER CONTRACT SERVI	21.70
001-0120-510.020-00	GROUP HEALTH INSURA	6.07
001-0120-530.091-00	MEETINGS & TRAINING	484.95
001-0140-510.020-00	GROUP HEALTH INSURA	3.37
001-0140-520.000-00	OFFICE SUPPLIES	60.84
001-0140-530.011-00	TELEPHONE & INTERNET	57.39
001-0140-530.014-00	POSTAGE	35.88
001-0140-530.201-00	OTHER CONTRACT SERVI	52.66
001-0142-510.020-00	GROUP HEALTH INSURA	10.45
001-0150-500.010-00	SALARIES - PART TIME E	45.03
001-0150-510.020-00	GROUP HEALTH INSURA	10.12
001-0150-520.010-00	DEPT OPERATING SUPPL	22.30
001-0150-520.011-00	UNIFORM ALLOWANCE	3.10
001-0150-520.040-00	FUEL	77.25
001-0150-530.201-00	OTHER CONTRACT SERVI	1,246.00
001-0210-510.020-00	GROUP HEALTH INSURA	236.01
001-0210-520.010-00	DEPT OPERATING SUPPL	88.19
001-0210-520.040-00	FUEL	1,009.36
001-0210-530.011-00	TELEPHONE & INTERNET	573.85
001-0210-530.014-00	POSTAGE	10.53
001-0210-530.091-00	MEETINGS & TRAINING	73.45
001-0210-530.201-00	OTHER CONTRACT SERVI	3,209.54
001-0220-520.010-00	DEPT OPERATING SUPPL	191.92
001-0220-520.030-00	MOTOR VEHICLE EXPEN	321.75
001-0220-520.040-00	FUEL	60.41
001-0230-510.020-00	GROUP HEALTH INSURA	33.71
001-0410-530.009-00	OTHER PROFESSIONAL S	3,733.01
001-0410-530.015-00	ECONOMIC DEVELOPME	990.00
001-0610-510.020-00	GROUP HEALTH INSURA	14.50
001-0610-520.010-00	DEPT OPERATING SUPPL	506.42
001-0610-520.011-00	UNIFORM ALLOWANCE	3.11
001-0610-530.072-00	OTHER EQUIPMENT REP	315.00
001-0610-530.201-00	OTHER CONTRACT SERVI	395.24
002-0147-530.201-00	OTHER CONTRACT SERVI	622.50
009-0150-510.020-00	GROUP HEALTH INSURA	1.69
009-0150-520.040-00	FUEL	196.65

Account Summary

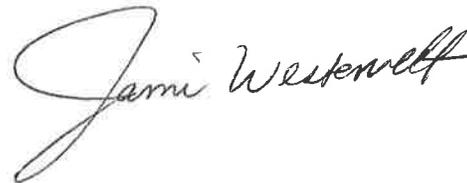
Account Number	Account Name	Payment Amount
009-0150-530.201-00	OTHER CONTRACT SERVI	32.55
009-0150-540.011-00	BUILDINGS	19.60
016-0120-510.020-00	GROUP HEALTH INSURA	1.69
016-0613-520.010-00	DEPT OPERATING SUPPL	576.12
016-0613-520.013-00	CONCESSION SUPPLIES	955.40
016-0613-530.201-00	OTHER CONTRACT SERVI	21.70
017-0120-510.020-00	GROUP HEALTH INSURA	1.69
017-0120-530.091-00	MEETINGS & TRAINING	161.65
017-0270-530.201-00	OTHER CONTRACT SERVI	400.00
017-0610-510.020-00	GROUP HEALTH INSURA	30.35
017-0610-520.010-00	DEPT OPERATING SUPPL	217.68
017-0610-520.011-00	UNIFORM ALLOWANCE	6.20
017-0610-520.040-00	FUEL	42.14
019-0120-510.020-00	GROUP HEALTH INSURA	1.69
019-0613-520.010-00	DEPT OPERATING SUPPL	962.34
019-0613-530.201-00	OTHER CONTRACT SERVI	89.55
021-0120-510.020-00	GROUP HEALTH INSURA	1.69
021-0120-530.091-00	MEETINGS & TRAINING	161.65
021-0142-510.020-00	GROUP HEALTH INSURA	6.74
021-0310-510.020-00	GROUP HEALTH INSURA	26.13
021-0310-520.011-00	UNIFORM ALLOWANCE	5.58
024-0210-510.020-00	GROUP HEALTH INSURA	33.72
035-0210-540.021-00	IMPROV OTHER THAN B	1,242.00
059-0120-510.020-00	GROUP HEALTH INSURA	0.67
059-0120-530.091-00	MEETINGS & TRAINING	64.66
059-0140-500.010-00	SALARIES - PART TIME E	9.01
059-0140-510.020-00	GROUP HEALTH INSURA	2.53
059-0140-520.000-00	OFFICE SUPPLIES	15.21
059-0140-530.014-00	POSTAGE	14.35
059-0140-530.201-00	OTHER CONTRACT SERVI	10.50
059-0142-510.020-00	GROUP HEALTH INSURA	3.03
059-0730-510.020-00	GROUP HEALTH INSURA	5.39
059-0730-530.201-00	OTHER CONTRACT SERVI	162.75
060-0120-510.020-00	GROUP HEALTH INSURA	10.11
060-0120-530.091-00	MEETINGS & TRAINING	1,131.55
060-0140-500.010-00	SALARIES - PART TIME E	306.22
060-0140-510.020-00	GROUP HEALTH INSURA	11.80
060-0140-520.000-00	OFFICE SUPPLIES	228.18
060-0140-530.011-00	TELEPHONE & INTERNET	229.54
060-0140-530.014-00	POSTAGE	236.79
060-0140-530.201-00	OTHER CONTRACT SERVI	229.58
060-0142-510.020-00	GROUP HEALTH INSURA	20.23
060-0710-510.020-00	GROUP HEALTH INSURA	91.37
060-0710-520.010-00	DEPT OPERATING SUPPL	55.52
060-0710-520.011-00	UNIFORM ALLOWANCE	13.02
060-0710-520.030-00	MOTOR VEHICLE EXPEN	358.67
060-0710-520.040-00	FUEL	205.78
060-0710-530.090-00	MEMBERSHIPS/SUBSCRI	206.50
060-0710-530.201-00	OTHER CONTRACT SERVI	217.00
061-0120-510.020-00	GROUP HEALTH INSURA	8.43
061-0120-530.091-00	MEETINGS & TRAINING	905.24
061-0140-500.010-00	SALARIES - PART TIME E	306.22
061-0140-510.020-00	GROUP HEALTH INSURA	10.11
061-0140-520.000-00	OFFICE SUPPLIES	228.18
061-0140-530.011-00	TELEPHONE & INTERNET	229.54
061-0140-530.014-00	POSTAGE	236.79
061-0140-530.201-00	OTHER CONTRACT SERVI	192.14
061-0142-510.020-00	GROUP HEALTH INSURA	20.23

Account Summary

Account Number	Account Name	Payment Amount
061-0520-510.020-00	GROUP HEALTH INSURA	92.71
061-0520-520.010-00	DEPT OPERATING SUPPL	26.96
061-0520-520.011-00	UNIFORM ALLOWANCE	25.42
061-0520-520.040-00	FUEL	206.47
061-0520-530.072-00	OTHER EQUIPMENT REP	633.97
061-0520-530.090-00	MEMBERSHIPS/SUBSCRI	206.50
061-0520-530.095-00	TAXES	351.32
061-0520-530.201-00	OTHER CONTRACT SERVI	2,179.00
061-0520-540.030-00	MACHINERY & EQUIPME	2,551.52
062-0120-530.091-00	MEETINGS & TRAINING	161.65
062-0140-500.010-00	SALARIES - PART TIME E	234.17
062-0140-520.000-00	OFFICE SUPPLIES	228.17
062-0140-530.011-00	TELEPHONE & INTERNET	57.38
062-0140-530.014-00	POSTAGE	193.74
062-0140-530.201-00	OTHER CONTRACT SERVI	146.50
062-0510-520.011-00	UNIFORM ALLOWANCE	5.58
062-0510-530.009-00	OTHER PROFESSIONAL S	244.76
062-0510-530.201-00	OTHER CONTRACT SERVI	217.00
063-0120-510.020-00	GROUP HEALTH INSURA	1.66
063-0120-530.091-00	MEETINGS & TRAINING	161.65
063-0142-510.020-00	GROUP HEALTH INSURA	6.74
063-0340-510.020-00	GROUP HEALTH INSURA	3.37
063-0340-530.090-00	MEMBERSHIPS/SUBSCRI	131.00
063-0340-530.094-00	AIRPORT LICENSE/PERM	98.00
074-0610-530.059-00	WATER UTILITY	1,334.85
074-0910-520.010-00	DEPT OPERATING SUPPL	410.42
099-0000-220.010	FICA TAXES PAYABLE	9,609.86
099-0000-220.020	FIT W/H PAYABLE	6,802.16
099-0000-220.030	SIT W/H PAYABLE	1,998.67
099-0000-220.050	PERS PAYABLE	9,182.84
099-0000-220.071	POA DEDUCT PAYABLE	480.00
099-0000-220.081	UNION DUES PAYABLE	276.00
099-0000-220.090	DISABILITY (SDI) PAYABL	479.74
099-0000-220.097	CALIFORNIA STATE DISB	242.30
099-0000-220.098	WASHINGTON SUPPORT	142.71
	Grand Total:	64,842.68

Project Account Summary

Project Account Key	Payment Amount
None	64,842.68
Grand Total:	64,842.68





COUNCIL AGENDA ITEM

AUGUST 18, 2015

PREPARED BY: Melanie Correa, Deputy City Clerk

SUBJECT: Update of the City of Gustine Conflict of Interest Code

BACKGROUND/DISCUSSION

The Political Reform Act of 1974 (the Act) established statewide rules regarding financial conflicts of interest for local government officials. The Act specifies certain officials (the City Council, Planning Commission, City Manager, City Attorney, and City Treasurer) who are required to file annual financial disclosure statements. Regulations adopted by the Fair Political Practices Commission (FPPC) specify procedures for these officials to follow in the event a financial conflict arises.

The Act also requires local jurisdictions to adopt their own conflict of interest codes identifying additional positions required to file annual disclosure statements. Unlike the positions listed above, neither the Act nor FPPC regulations address procedures for these locally designated officials to follow in the event of a conflict. A local code then must be adopted and must be reviewed every even numbered year.

At the June 17, 2014 regular meeting, Council adopted Resolution 2014-2309 directing staff to review the City's Conflict of Interest Code. The review has been completed, and per the direction of the City Attorney, an update has been recommended. The update applies to City positions held by staff, and updates the "Designated Positions" list of staff positions whose duties are determined to be within the Disclosure Categories listed in Part B of the code. The attached resolution would adopt the updated Conflict of Interest Code.

RECOMMENDATION

Approve Resolution updating the City of Gustine's Conflict of Interest Code.

EXHIBIT(S)

- A) Resolution 2015-xxxx
- B) City of Gustine Conflict of Interest Code

APPROVED BY:

SEAN SCULLY, CITY MANAGER

RESOLUTION 2015-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUSTINE APPROVING AND ADOPTING
THE CITY'S CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF
1974**

BE IT RESOLVED AS FOLLOWS:

SECTION 1: CONFLICT OF INTEREST CODE - ADOPTED.

The State of California enacted the Political Reform Act of 1974, Government Code Section 81000, et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the City of Gustine (the "City") and requires all public agencies to adopt and promulgate a conflict of interest code.

The potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the City being restrained or prevented from acting in cases where the provisions of the Act may have been violated.

Notice of the time and place of a public meeting on, and of consideration by the City Council of, the proposed Code was provided each affected designated employee and publicly posted for review at the offices of the City Council.

A public meeting was held upon the proposed Code at a regular meeting of the City Council on August 18, 2015, at which all present were given an opportunity to be heard on the proposed Code.

The City Council does hereby adopt the proposed Conflict of Interest Code, a copy of which is attached hereto and which shall remain on file with the City Council and shall be available to the public for inspection and copying during regular business hours.

SECTION 2: CONFLICT OF INTEREST CODE – EFFECTIVE DATE.

The Conflict of Interest Code shall become effective immediately after the adoption and approval of this Resolution ("Effective Date").

SECTION 3: CONFLICT OF INTEREST CODE - RESCISSION.

All previous Conflict of Interest Codes of the City of Gustine and amendments thereto shall be rescinded as of the Effective Date of the said proposed Code as approved and adopted by the City Council.

PASSED AND ADOPTED on this 18th day of August, 2015, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Approve:

Mayor

Attest

Deputy City Clerk

CONFLICT OF INTEREST CODE
OF THE
CITY OF GUSTINE

CONFLICT OF INTEREST CODE OF THE CITY OF GUSTINE

(Adopted June 2, 2015)

The Political Reform Act (Gov. Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **City of Gustine (the "City")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Deputy City Clerk** as the City's Filing Officer. The **Deputy City Clerk** shall make and retain a copy of all statements filed by the Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney and the City Treasurer, and forward the originals of such statements to the Fair Political Practices Commission. The **Deputy City Clerk** shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

CITY OF GUSTINE

(Adopted June 2, 2015)

PART "A"

The Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney, the City Treasurer, and All Other City Officials who manage public investments, as defined by 2 California Code of Regulations section 18704.1(b), are NOT subject to the City's Code but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)]

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below are Other City Officials who manage public investments¹. These positions are listed here for informational purposes only.

Finance Manager

Investment Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Alternate Engineer (Consultant)	2, 3, 5, 7
Building Inspector (Consultant)	3, 6
Chief of Police	5
City Attorney (not filing under GC § 87200)	1, 2
City Planner	2, 3, 5
Code Enforcement Officer (Consultant)	5, 6
Community Development Director (Consultant)	1, 2
Deputy City Clerk	5
Director Water/Wastewater (Consultant)	5
Engineer (Consultant)	2, 3, 5, 7
Fire Chief	5
Information Technology (Consultant)	5
Maintenance Supervisor	5
Manager Water/Wastewater (Consultant)	5
Police Lieutenant	5
Public Works Inspector (Consultant)	2, 3, 5, 6
Recreation Director	5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

MEMBERS OF BOARDS,
COMMITTEES & COMMISSIONS

Airport Commission
Recreation Commission

1, 2

2, 5

Consultants and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The City Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The City Manger's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the City.

Category 1: All investments and business positions, and sources of income, including gifts, loans and travel payments.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the City.

Category 3: All investments and business positions, and sources of income, including gifts, loans and travel payments, engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the City.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the City.

Category 5: All investments and business positions, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit or licensing authority of the designated position's department, unit, or division.

Category 7: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the City or its subdivisions.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)



ITEM NO. 5

COUNCIL AGENDA ITEM

AUGUST 18, 2015

PREPARED BY: Sean Scully, City Manager
Chief Doug Dunford

SUBJECT: **SECOND READING: Adoption of Ordinance of the City Council of the City of Gustine Replacing Title 7 Chapter 7 Article 5 Pertaining to Anti-Graffiti Rules and Regulations**

BACKGROUND/DISCUSSION:

In early June the Council considered a first reading of an ordinance (attached) revising and replacing the anti-graffiti rules and regulations. The Council held a public hearing on the matter and considered feedback from the public. The Council then voted to waive the first reading and proceed forward with consideration as the ordinance was presented. Please see attachment B (original staff report) for an in depth review of the contents of the ordinance. Since the time of the last public hearing on this matter staff has received one comment letter (exhibit C) on the ordinance.

On July 7th the Council considered the second reading of the ordinance and continued the item to the next meeting to allow for further Council comment and to give staff the opportunity to check with Coast to Coast (hardware store) regarding the potential provision of the ordinance that would require lock up of spray cans. Staff contacted the manager of Coast to Coast who commented that they **would not** be in favor of such as provision as they have not had issues with spray paint theft at their location and therefore do not see the lock up provision as a real deterrent against graffiti.

On July 21st the Council again considered the ordinance and requested a change be made so that those businesses currently engaged in selling spray paint would not be required to lock of their spray paint materials. Businesses in the future (that are not already exempted) that choose to sell spray paint will be subject to the lock up portion of the ordinance.

RECOMMENDATION:

City Council to conduct a public hearing, then consider a motion to consider waiving the second reading and approving Ordinance 467 replacing Title 7 Chapter 7 Article 5 pertaining to anti-graffiti rules and regulations. Council may

also choose to amend the code, in which case the item would be brought back for a second reading at a future meeting date.

EXHIBIT:

- A) Ordinance No. 467
- B) Staff Report from June 2, 2015
- C) Comment letter regarding proposed ordinance

APPROVED BY:



SEAN SCULLY, CITY MANAGER

ORDINANCE NO. 467

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUSTINE REPEALING AND REPLACING TITLE 7 CHAPTER 7 ARTICLE 5 OF THE GUSTINE MUNICIPAL CODE PERTAINING TO ANTI-GRAFFITI RULES AND REGULATIONS

THE CITY COUNCIL OF THE CITY OF GUSTINE DOES ORDAIN AS FOLLOWS:

SECTION 1 - Title 7 Chapter 7 Article 5 of the Gustine Municipal Code is hereby repealed and replaced in its entirety with the following:

Section 7-7-261 - Findings and declaration:

- A. The Gustine City Council finds that graffiti on public and private property contributes to the creation of blight, depreciates the value of property and visually detracts from neighborhoods. Graffiti also encourages other acts of malicious vandalism and generally lowers the quality of life in the City. The City Council further finds that graffiti is frequently tied to gang-related or other potential criminal activities and its presence encourages the proliferation of additional graffiti unless promptly abated.
- B. In order to promote the health, safety and welfare of the public and community, the ordinance codified in this chapter is adopted to alleviate vandalism and halt the spread of such nuisances as allowed for in Government Code Section 53069.3. It is declared that graffiti is a prohibited obnoxious activity and a nuisance.

Section 7-7-262 Definitions:

- A. "Graffiti" means any act which results in the altering or defacing of any real property through the use of: paint, spray paint, markers, paint sticks, glass etching tools, objects, or other substances capable of destroying public or private property.
- B. "Prohibited obnoxious graffiti" means graffiti having any of the following characteristics deemed to:
 - 1. Insult or incite hatred of or contempt for any racial, religious or ethnic group;
 - 2. Include or make reference to the name of any gang, or words or symbols which are associated with a gang or gangs;
 - 3. Insult or threaten any identifiable individual or group;
 - 4. Have obscene or indecent language or pictures;

5. Be an eyesore to the neighborhood or community or which tends to attract more graffiti.

- C. "Unauthorized" means without the explicit consent of the owner or person in possession of, or the party responsible for, the affected private property, or the public official responsible for the public property.

Section 7-7-263 GRAFFITI prohibited:

A. It is unlawful for any person to scratch, carve, paint, chalk, or otherwise apply any unauthorized graffiti on any public or privately owned building, fence, structure, or other property.

B. It is unlawful for any person to maintain, permit or allow any graffiti to be placed upon or to remain upon any structure within his or her control, possession or ownership when the graffiti is visible by a person utilizing any public right of way in the city such a highway, road or alley.

Section 7-7-264 Reporting graffiti:

A. The City may pay a reward to any person who provides information which leads to the arrest of any person who applies any drawing, inscription, figure or mark, commonly known as graffiti, to a surface of a public or private property, as established from time to time by the City Manager. The Amount of any reward paid in conjunction with this section may be sought from the person arrested and convicted as restitution in addition to any other restitution associated with the removal of the graffiti.

1. The person committing the graffiti or if an un-emancipated minor, then the custodial parent of the minor, shall be liable for any reward paid pursuant to this section.
2. For the purposes of this section, diversion of the offending violator to a community service program or a plea bargain to a lesser offense shall constitute a conviction.
3. In the event there are multiple contributors of information, the reward amount shall be divided by the City in the manner it shall deem appropriate.

Section 7-7-265 Sale, possession of graffiti materials:

A. Sign Required. Any person engaged in the retail sale of aerosol containers or paint and other liquid substances capable of being used to deface property must display at the location of retail sale a legible sign not smaller than eight and one half by eleven inches (8.5" X 11") clearly visible to employees and customers which states:

Possession by or sale to any individual under the age of 18 years of age, who is not accompanied by a responsible adult, of: any aerosol container of paint or other liquid substances or markers with a marking tip of one quarter inch or more in width, glass etching tool, paint stick or similar implement capable of defacing property; is unlawful.

B. It is unlawful for any person, firm or corporation doing business within the City to store, stock, keep or display for sale or transfer any aerosol spray paint container, or any indelible ink marker pen with a tip exceeding one quarter inch in width, in an area other than a place that is locked and secure or is otherwise made unavailable to the public and which is accessible only to employees of such business. The requirements of this subsection do not apply to any businesses engaged in selling the afore mentioned materials at the time of this ordinance adoption.

C. It is unlawful in the City for any person to sell, loan, give, exchange or cause or permit to be sold, given, loaned or exchanged any pressurized can(s) containing any substance commonly known as paint or dye capable of defacing property to any minor under the age of 18 years, unless such person is accompanied by the parent or legal guardian of such minor. No person under the age of 18 years shall purchase any pressurized can(s) containing paint or dye.

D. It is unlawful for minor persons to have in their possession any aerosol spray containing any substance commonly known as paint, capable of defacing property while upon any public highway, street, alleyway, park, playground, swimming pool or other public place, whether such minor is or is not in an automobile, vehicle or other conveyance.

1. This section shall not apply if such minor is in possession of any aerosol spray can in order to perform a task as directed by the minor's parent, guardian, instructor or employer, and if that task would not be a violation of this chapter is conducted by an adult.

Section 7-7-266 Graffiti removal:

- A. Removal of graffiti, upon discovering its existence on private or public property within the City, shall be the responsibility of the Chief of Police or his designee who shall be authorized to provide for the removal of the graffiti in accordance with state law and established City procedures.
 1. Private Property. It shall be the responsibility of the property owner, or manager or person in control to remove the graffiti on private property within 48 hours of receipt of notification by the City of the obligation to do so.

2. Public Property. Whenever the Public Works Director, Chief of Police or their designee determines that graffiti exists upon property owned by the City, it shall be removed within 24 hours, or on the weekends as soon as possible, but certainly no longer than is the required removal standards set forth for the private property owners.
- B. Whenever the City becomes aware or is notified and determines that graffiti is located on public or privately owned property viewable from a public place within the City, the City shall be authorized to remove the graffiti or in the case of private property have the owner assume responsibility for such removal. If a private property owner fails to remove the graffiti within 48 hours, the City shall be authorized to remove the graffiti.
1. The City shall not repair or repaint any area more extensive than that where the graffiti is located unless the Chief of Police or designee determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community unless the responsible party agrees to pay for the costs of repainting or repairing the graffiti and the more extensive area as well.
 2. Prior to any graffiti abatement conducted by the City on private property or public property owned by another public agency, the responsible party shall be required to execute a written release, prepared by the City, holding the City harmless and acknowledging that the covering may not match the color of the structure upon which it is placed.
- C. Any person applying graffiti within the City shall have the duty to remove same in a manner approved by the City within 24 hours after notice by the City or the public or private owner of the property involved. The notice to the person applying the graffiti shall be in writing.
- D. Form of Notice to Remove. A two-day day notice of intention to abate or remove the graffiti shall be mailed by certified mail or hand-delivered to the owner(s) of the property or agents and to any individual(s) who are responsible for causing the graffiti. The notice shall advise that if the graffiti is not removed within the time frame set forth in the notice, the City shall remove the graffiti and assess the costs to the property owner and/or the individual(s) responsible. If a responsible individual is a minor, costs shall be assessed to the parents or guardians of that minor and reimbursement

sought for the victim(s) of unauthorized graffiti placement through the Civil Code.

1. Service of notification is complete at the time of deposit in the mail or when personal delivery has been made. The failure of any person to receive such notice shall not affect the validity of any legal proceedings regarding removal of graffiti.

Section 7-7-267 Graffiti Abatement Process:

- A. Graffiti Abatement Process. Failure of the property owner, manager or person in control to remove graffiti within the 48 hour period shall constitute a public nuisance and, upon discovery of such nuisance, the City shall notify the owner or manager or person in control that the nuisance shall be abated by the City at private expense.
- B. Summary Abatement.
 1. Graffiti located on privately owned structures on privately owned property with the City so as to be capable of being viewed by a person utilizing any public right of way, may be removed by the City at the owner's expense as a public nuisance after service of a notice to abate as set forth in this chapter.
 2. Whenever the Chief of Police or his/her designated representative is appraised of the presence of graffiti located on privately owned real property within the City, the Chief of Police or his/her designated representative may cause a written notice to abate such graffiti to be served upon the owner of the effected premises as such owner's name, address appear on the last equalized assessment roll.
- C. Contents of Notice to Abate:
 1. Contents of the notice to abate the graffiti shall be in accordance with Title 3 of Chapter 2 of Article 2 of the Gustine Municipal Code, provided that in the event of any inconsistency respecting the time period or process for removal of the graffiti, this chapter shall control.
- D. Service of Notice:

1. The service of notice to abate shall be in accordance with Chapter Title 3 of Chapter 2 of Article 2 of the Gustine Municipal Code.

Section 7-7-268 Hearings and Appeals:

1. Hearing and Appeals: Hearing and appeals of the order of abatement of graffiti shall be conducted in the same manner provided in Chapter 7 of Title 2 of the Gustine Municipal Code with regard to administrative citations. However, in the event of any appeal, the City Manager, and not the Planning Commission, shall act as the hearing officer pursuant to the procedures in Article 3 of Chapter 7 of Title 2.

Section 7-7-269 Summary of Abatement Costs:

A. Cost of Abatement:

1. The Chief of Police or his/her representative, shall keep an account of the costs and expenses, including all direct and indirect costs and expenses in abating such graffiti, and shall render a written itemized statement of such costs to the persons receiving the notice to abate.
2. Such person or persons receiving the notice to abate shall be liable to the City for any and all costs and expenses to the City involved in abating the graffiti.

Section 7-7-270 Assessment of Costs – Lien against property:

- A. If payment is not received, the itemized statement may be submitted in writing to the code enforcement officer. Any such report may include the abatement costs, fees, and penalties for any number of properties and abatements, whether or not such properties are contiguous.
- B. Upon receipt of the itemized report, the code enforcement officer, or his/her designee, shall serve notice of the lien in the same manner as summons in a civil action in accordance with the Code of Civil Procedure Section 415.0 et seq. If the owner of record after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in the Gustine newspaper or other newspaper of general circulation in Merced County. The period of notice commences upon the first day of publication and terminates at the end of the tenth

day, including therein the first day. Publication should be made on each day on which the newspaper is published during the ten day period.

- C. After notice has been served, the lien shall be recorded in the Merced County Recorder's Office and, from the date of the recording, shall have the force, effect and priority of a judgement lien.
- D. The lien shall identify:
 - 1. The Amount of the lien
 - 2. The City as the agency on whose behalf the lien was imposed;
 - 3. The date of the abatement order;
 - 4. The street address, legal description and assessor's parcel number of the parcel on which the lien is imposed; and
 - 5. The name and address of the recorded owner of the parcel.
- E. In the event that the lien is discharged, released or satisfied, through either payment or foreclosure, notice of the discharge containing the information specified in subsection D of this section shall be recorded by the code enforcement officer.
- F. A lien may be foreclosed by an action brought by the City for a money judgement.
- G. The City may recover from the property owner any costs incurred in the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

Section 7-7-271 Actions to ease removal of graffiti:

- A. All utilities operating in the City shall paint their above ground facilities with a uniform paint type and color which meets the approval of the City.
- B. All encroachment permits issued by the City shall, among other things, be considered on:
 - 1. The permittee applying an anti-graffiti material to the encroached object that is acceptable to the City Manager, or his/her designee;
 - 2. The permittee immediately removing any graffiti;
 - 3. The right of the City to remove graffiti or to paint the encroaching object;

4. The permittee providing the city with sufficient matching paint and /or anti-graffiti material on demand for use in the painting of the encroaching object containing graffiti.
- C. In approving tentative subdivision or parcel maps, conditional use permits, variances or other discretionary land use entitlements, the City may consider imposing any or all of the following conditions, or other similar or related conditions, at the public hearing required by law for approval of the entitlement:
1. The developer shall apply an anti-graffiti material, if possible, of a type and color that is acceptable to the City Manager, his/her designee, to publically viewable surfaces on improvements to be constructed on the site deemed by the City Manager, or his/her designee, to be likely to attract graffiti (graffiti attracting surfaces”).
 2. The developer shall grant, prior to sale of any of the parcels comprising said map, the right of access to such parcels, upon 48 hours posting of notice, to the City for the purpose of removing or “painting over” graffiti from graffiti-attracting surfaces previously designated by the City Manager or designee, and the right to remove such graffiti;
 3. The developer shall, for a period of two years after the sale of the developer’s final lot, provide the City with sufficient matching paint and/or anti-graffiti material upon demand for use in painting over or removal of designated graffiti-attracting surfaces.
 4. The developer shall covenant, either as a part of the conditions, covenants and restrictions, or as separate covenants recorded against individual lots, prior to sale of same, such covenant to run with the land and be for the benefit of the City, in a form satisfactory to the City, that the owner of the lot(s) shall immediately remove any graffiti placed thereon.

Section 7-7-272 Prevention:

- A. Any applicant for: design, review approval, conditional-use permit, special use permit, unclassified use permit, development agreement, or other form or development or building permit; shall, to the extent deemed feasible by the City Manager or his/her designee, have designed any structures visible from

any public place in such a manner to consider prevention of graffiti, including, but not limited to, the following:

1. Use of protective coating to provide for the effective and expeditious removal of graffiti
 2. Use of additional lighting
 3. Use of nonsolid fencing
 4. Use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation
 5. Use of architectural design to break up long continuous walls or solid areas.
- B. Retrofitting Existing Graffiti-Attracting Surfaces – Nonresidential Structures. The following requirements may be incorporated in any order during an abatement hearing:
1. The owner of the property on which is located a surface of a structure other than residential which has been defaced with graffiti more than five times in a 12 month period, or has immediate area surrounding said surface, shall permit the City to enter upon and make modifications thereto, which modifications shall include such features or qualities as may be established by the City as necessary to reduce the attractiveness of the surface for graffiti or as necessary to permit more convenient removal thereof.
 2. The owner of any surface of a structure on a parcel of land placed in any land use other than residential which has been defaced with graffiti more than five times in a 12 month period, or immediate area surrounding said surface, shall retrofit, at the cost of the property owner of said lot, such features or qualities as may be established by the City as necessary to permit the convenient or efficient removal thereof. In exercising the authority hereunder, the City may not impose a cost on the property owner greater than three times the cost of one year's expense to the property of graffiti removal.

Section 7-7-273 Alternative means to enforcement:

Nothing in this chapter shall be deemed to prevent the City Council from authorizing the City Attorney to commence any other available civil or criminal proceeding to abate a public nuisance under applicable provisions of state law as an alternative to the proceedings set forth in this chapter.

Section 7-7-274 Severability

If any provision, clause, sentence or paragraph of this chapter, or application thereof to any person or circumstances be held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or applications and, therefore the provisions of this chapter are declared to be severable.

SECTION 2 – This ordinance shall take effect and be in full force 30 days from and after its adoption, and prior to the expiration of 15 days thereof, a summary shall be published once in a Gustine newspaper of general circulation, circulated and published in the City of Gustine, State of California. A certified copy of the full text of such adopted ordinance or amendment shall be posted in the office of the City Clerk.

PASSED AND ADOPTED by the City Council of the City of Gustine this by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Mayor

ATTEST:

Approved as to form:

Deputy City Clerk

City Attorney



COUNCIL AGENDA ITEM

JUNE 2, 2015

PREPARED BY: Sean Scully, City Manager
Chief Doug Dunford

SUBJECT: **Consideration of Introducing and Waiving Further Readings of an Ordinance of the City Council of the City of Gustine Replacing Title 7 Chapter 7 Article 5 Pertaining to Anti-Graffiti Rules and Regulations**

BACKGROUND/DISCUSSION:

In early 2003, Council adopted a Graffiti Ordinance. Since that time, case law and some local incidents have necessitated some revisions to the ordinance. In the past three months incidents of graffiti have skyrocketed causing significant staff time and City resources for resolution. In response to this increasingly frequent crime, staff conducted a review of the current Graffiti Ordinance in order develop code revisions that would allow for a speedier response to graffiti as well as more tools combat this crime.

Staff has changed our response to graffiti abatement and proposes a new ordinance. The new ordinance provides the following:

1. Clear definitions
2. Shorter abatement times (for graffiti on private property the compliance timeline goes from 10-12 days to 2 days)
3. Establishing a compliance timeline for graffiti on public property
4. The ability to offer rewards for information leading to an arrest of those applying graffiti (which can be recovered from the perpetrator when a conviction is made)
5. Accountability for the city as well as the property owners
6. Rules regarding the sale and possession of graffiti materials
7. Appeal and hearing procedures
8. Actions to prevent and ease removal of graffiti (including the ability to require prevention related conditions be placed on future development projects)
9. Attorney fee and cost recovery

Staff has been working with the City Attorney during this time to bring a fair and balanced ordinance forward. This new ordinance makes sure that the safety,

health and welfare of the citizens of Gustine are protected. The new ordinance also sets forth a variety of measures that will not only give staff the ability to react to reports of graffiti much faster but also to put in place measures to prevent it from happening in the first place. Staff has looked at various issues relating to graffiti and feel this proposed ordinance is equitable to everyone and gives the community the best chance of minimizing these occurrences moving forward.

FISCAL IMPACT:

None

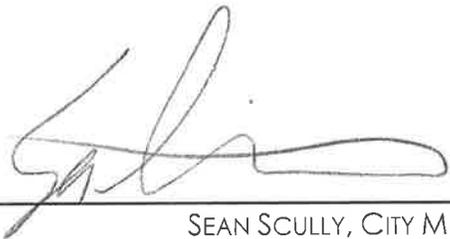
RECOMMENDATION:

Council consider introducing and waiving further readings of an ordinance replacing Title 7 Chapter 7 Article 5 pertaining to Anti-Graffiti Rules and Regulations.

EXHIBIT:

A) Proposed new ordinance

APPROVED BY:



SEAN SCULLY, CITY MANAGER



July 30, 2015

Gustine City Council
352 Fifth Street
Gustine, CA 95322

Re: AMENDED Proposed Ordinance, “Replacing Title 7 Chapter 7 Article 5 Pertaining to Anti-Graffiti Rules and Regulations.”

Dear Mayor Brazil,

The Graffiti Resource Council (GRC)¹ urges you to reconsider the *amended* “lock-up” language contained in the proposed ordinance repealing and replacing of Title 7, Chapter 7, Article 5 of the Gustine Municipal Code.

The GRC appreciates the City Council’s consideration of our letter submitted on June 29, 2015, in response to the initial draft of the ordinance. We commend the City Council for working hard to address the problem of graffiti vandalism by creating a comprehensive proposed ordinance in order to expedite responses to graffiti.

Although we have not seen the revised language at this time², we have been informed that the ordinance as amended on June 21, 2015 will “grandfather in” the current retailer that sells spray paint in Gustine, but businesses that want to sell spray paint in the future will have to comply with lock-up. The GRC strongly encourages the City Council to remove the lock-up requirements altogether because they will do little to accomplish the goal of preventing graffiti vandalism and will produce unintended consequences for future businesses seeking to come to Gustine. Or, in the alternative, the GRC encourages Gustine to adopt the more flexible *Responsible Retailing* program for these new retailers, which is a program already used successfully by many cities across the country.

First, as we emphasized before, there is no evidence that lock-up requirements have eliminated graffiti vandalism. The City Council Agenda packet for the July 21, 2015, meeting even acknowledges that Gustine’s retailer Coast to Coast hardware store is not supportive of lock up because they have not had an issue with theft, and therefore, “do not see the lock up provision as

¹ The GRC is a nonprofit organization whose primary goal is to prevent graffiti vandalism and provide creative solutions that promote graffiti-free communities. The GRC is funded by the aerosol coatings industry concerned about the negative impact of graffiti vandalism on America’s communities. The GRC provides information, education, and policy advice to cities to assist them in formulating effective policies and programs to prevent or reduce graffiti vandalism.

² As of the time this letter was emailed, the City Council Agenda packet for the August 4, 2015, meeting has not been posted on the City Council website. We have not seen the language yet, but the language was described to us by Gustine’s Deputy City Clerk.



a real deterrent against graffiti.”³ Applying retail controls to the graffiti problem burdens legitimate consumers and businesses, particularly small businesses. Lock-up adds time and inconvenience to the consumer purchase decision, thus dramatically cutting sales for these businesses. Further, the purpose of lock-up is to prevent theft of graffiti implements used to commit vandalism or prevent minors from purchasing it. But, because graffiti vandals have alternative ways to acquire spray paint, retail controls do not eliminate or even lower the incidences of graffiti vandalism.

With respect to this amended language, while it exempts Gustine’s current spray paint retailer from lock-up, it creates an uneven playing field for new businesses that want to sell spray paint in Gustine. If one retailer does not have to comply with lock-up but all future retailers do, then this policy creates an uneven competitive landscape, particularly for small hardware stores that typically sell spray paint. This policy could also discourage future businesses from coming into Gustine if they are faced with lock up regulations, especially regulations that are not enforced consistently on other stores.

Overall, the GRC recommends removal of the lock up language. Or, if the City of Gustine is committed to creating retail restrictions, the GRC recommends the adoption of the effective *Responsible Retailing* program⁴ for future retailers that are not “grandfathered in” in accordance with the amended proposed ordinance.

Responsible Retailing embraces the International Municipal Lawyer’s Association (IMLA) model anti-graffiti regulation.⁵ The program consists of 1) signage, 2) prudent display of aerosol coatings and markers, 3) employee training, and 4) a policy governing sales to minors. Many cities across the country have adopted the IMLA model language; for example, in California, the cities of Oakland⁶, Carson⁷, La Habra⁸, Lemoore⁹, and Santa Maria¹⁰ have adopted some version of *Responsible Retailing*.

The IMLA model language states:

³ Gustine City Council Agenda, July 21, 2015:

<http://www.cityofgustine.com/docview.aspx?doctype=agenda&docid=6138> at page 40.

⁴ For more information on the *Responsible Retailing* Program, please visit: <http://anti-graffiti.org/resources/regulations>

⁵ See IMLA Model Anti-Graffiti Ordinance: <http://anti-graffiti.org/images/IMLA-Graffiti-Model-Ordinance.pdf>.

⁶ Oakland Municipal Code, Title 8, Chapter 8.10, Article V, §8.10.430 “Display of Aerosol Paint Containers and Marker Pens.”

⁷ Carson Municipal Code, Article V, Chapter 4, §5416.2 “Storage Requirements.”

⁸ La Habra Municipal Code, Title 9, Chapter 9.58.050 “Restricted Access to Aerosol Spray Paint and Marker Pens/Purchase and Theft of Graffiti Tools.”

⁹ Lemoore Municipal Code, Title 5, Chapter 2, Article 5-2-6-6 “Signs and Displays of Aerosol Paint and Indelible Markers.”

¹⁰ Santa Maria Municipal Code, Title 6, Chapter 6-7 “Sale of Graffiti Tools.”



Accessibility to Graffiti Implements.

- (a) *Furnishing to Minors Prohibited. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any aerosol paint container, broad-tipped marker, or paint stick to any person under the age of eighteen (18) years without the written consent of the parents or guardian of the person.*
- (b) *Display and Storage.*
- (1) *Every person who owns, conducts, operates, or manages a retail commercial establishment selling aerosol paint containers, paint sticks, or broad-tipped markers shall store the containers, sticks or markers in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business.*
- (2) *In the event that a commercial retail establishment is unable to store the aerosol paint containers, paint sticks or broad-tipped markers in an area as provided above, the establishment shall store the containers, sticks, and markers in an area not accessible to the public in the regular course of business without employee assistance.*
- (c) *Signage Required. Every person who operates a retail establishment selling graffiti implements shall:*
- (1) *Place a sign in clear public view at or near the display of such products stating: "Graffiti is against the law. Any person who defaces real or personal property with paint or any other liquid or device is guilty of a crime punishable by _____."*
- (2) *Place a sign in the direct view of such persons responsible for accepting customer payment for graffiti implements stating: "Selling spray paint, paint sticks or broad-tipped markers to persons under 18 years of age is against the law and punishable by _____."*

This policy gives businesses the much-needed flexibility to choose lock up, or to display aerosol paint or markers in the line-of-sight of customer service personnel, either directly or through the use of mirrors, cameras or other devices, during all times the store is open to the public. *Responsible Retailing* provides the security necessary to prevent illegal access to products by graffiti vandals and retains legitimate business.



We welcome the opportunity to discuss this issue with you in more detail. Please feel free to contact Javaneh Nekoomaram, Advocacy Counsel at jnekomaram@paint.org or at (202) 719-3715; or Executive Director Heidi McAuliffe at hmcauliffe@paint.org or at (202) 719-3686.

Sincerely,

Javaneh Nekoomaram
Advocacy Counsel



ITEM NO. 6

COUNCIL AGENDA ITEM AUGUST 18, 2015

PREPARED BY: Sean Scully, City Manager

SUBJECT: **Acceptance of Resignation/ Appointment of New Representative - Mosquito Abatement District**

BACKGROUND/DISCUSSION:

In late July the City was contacted by the Executive Director of the Merced County Mosquito Abatement District to discuss the anticipated resignation of Gerry O'Rourke (the City's appointed rep) from the Mosquito Abatement Board of Directors. Mr. O'Rourke has served as Gustine's representative on this board since 1991. In his resignation letter (attached) Mr. O'Rourke thanks the City for the honor of serving on the board but notes that his health will no longer allow him to continue service on the board. Mr. O'Rourke's resignation will be effective August 17th.

Staff has also been informed that Maureen O'Rourke (Mr. O'Rourke's wife) would be interested in being appointed to fill in as Gustine's Representative on the Mosquito Abatement District for the remainder of Mr. O'Rourke's term which expires in December 31st 2016. Mrs. O'Rourke is uniquely qualified for the appointment as she has regularly attended Mosquito Abatement District meetings with her husband, in addition to having attended Mosquito Abatement conferences in the past. If Council chooses to appoint Mrs. O'Rourke, Council would have the opportunity to consider new appointment or renewal when the current term expires.

RECOMMENDATION:

Council to consider acceptance of Gerry O'Rourke's resignation and to consider appointment of Maureen O'Rourke to the Merced County Abatement District for the remainder of Gerry O'Rourke's expired term.

Council could also direct staff on any alternatives to this scenario including more formal recruitment for appointment.

EXHIBIT:

- A) Letter of resignation from Gerry O'Rourke
- B) Letter of interest from Maureen O'Rourke

City Council
City of Gustine, California

August 3, 2015

Regretfully, I must tender my resignation as the appointed representative of the City of Gustine to the Board of Trustees of the Merced County Mosquito Abatement District, effective August 17, 2015. I have enjoyed representing our city on this board since 1991. At this time, my health will no longer allow me this privilege.

Thank you for this honor which you have bestowed on me.

Sincerely,



Gerald Allen O'Rourke

Gustine City Council

C/O Sean Scully

Fifth Street

Gustine, California 95322

August 17, 2015

Dear Mr. Scully,

The purpose of this letter is to express my interest in the position representing the City of Gustine on the Merced Mosquito Abatement District Board of Trustees that was recently vacated by the resignation of my husband Gerald O'Rourke.

While my husband served the City of Gustine for more than 20 years, I accompanied him to various vector control conventions and functions. I took an earnest interest in vector control and I am very familiar with the needs of Gustine.

Additionally, as a Certified Public Accountant, I have the skills and knowledge to understand the intricate nature of governmental budgets and expenditures.

Thank you for considering me for the position on the Board of Trustees.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen O'Rourke". The signature is written in a cursive style with a large initial "M".

Maureen O'Rourke



COUNCIL AGENDA ITEM

AUGUST 18, 2015

PREPARED BY: Doug Dunford, Chief of Police

SUBJECT: Consider Street Use, Closures, and Staff Services for VFW Ladies Auxiliary "9-11 Candlelight Memorial Walk"

BACKGROUND/DISCUSSION

The local VFW Ladies Auxiliary is requesting to use Fifth Street from Highway 33 north to First Avenue on Friday, September 11th from 6:00 p.m. to approximately 8:00 p.m. so they may conduct a "9-11 Candlelight Memorial Walk" for the community.

Staff will ensure that proper barricades will be in place and appropriate detours will be established. Street closures and detours will be in effect beginning at 5:45 p.m., with the roadway re-opening at approximately 8:15 p.m.

FISCAL IMPACT

Public Works personnel will supply and retrieve barricades incurring 2 hours of cost at a total of \$57.82. Typical afternoon staffing on September 11, 2015 is one Officer, which will require an additional Officer to be called out for 2 hours of overtime at a cost of \$95.46. The overall cost for the parade will be \$153.28.

RECOMMENDATION

Staff recommends Council approve the requested street closure for the "9-11 Candlelight Memorial Walk" on Friday, September 11th from 5:45 p.m. to approximately 8:15 p.m.

City Council to determine if fees for Public Works and Police Services are to be waived.

EXHIBIT(S)

- A) Request from Judy Quinn, LAVFW Americanism Chairman

APPROVED BY:

SEAN SCULLY, CITY MANAGER

**CHIEF OF POLICE &
GUSTINE CITY COUNCIL MEMBERS**

**ADDRESSING THE SILENT CANDLELIGHT WALK FOR 8-11
JUDY QUINN**

**AS YOU ALL REALIZE 14 YEARS AGO OUR COUNTRY WAS
DRASTICALLY CHANGED FROM A SECURE NATION INTO A
DEVISTATION THAT WE WILL NEVER FORGET!**

**IN THE MONTH OF SEPTEMBER ON THE 11TH IS A CHANCE WE
HAVE TO PAY TRIBUTE TO THE FAMILIES OF INOCENT
VICTOMS THAT DIED DUE TO THE CIRCUMSTANCES UNDER
WHICH THEY HAD NO CONTROL IN THE HERIFIC EVIL TERROR
ATTACK.**

**WE ALSO GIVE AUMIDGE TO THE POLICE DEPARTMENTS, FIRE
FIGHTERS AND CITIZENS OFF THE STREET WHO RESPONDED
WITHOUT HESITATION TO SAVE LIVES.**

**THIS DEVOTION, COURAGE, AND SACRIFICE WILL NEVER BE
FORGOTTEN!**

**I THANK YOU FOR ALLOWING ME THE TIME TO ASK YOU FOR
YOUR CONSIDERATION IN APPROVING THE USE OF MAIN
STREET & POLICE ESCORT IN GUSTINE , SEPT.11,2015 AT
7:30PM. FOR THE SILENT CANDLELIGHT MEMORIAL WALK.**

(IF APPROVED)

**I HOPE YOU WILL ALL JOIN THE WALK THAT WILL START AT
COAST TO COAST AND PROCEED TO THE VFW HALL WHERE WE
WILL HAVE A SHORT MEMORIAL SERVICE WITH
REFRESHMENTS TO FOLLOW.**

**JUDY QUINN
(OUR 5^H WALK)**

COME JOIN IN A SILENT....

9-11 CANDLELIGHT

MEMORIAL WALK

→ *FRIDAY. SEPT 11, 2015* ←

**14TH ANNIVERSARY OF THE
CRUEL & INHUMANE ACT OF
TERROR REIGN!**

***SHOW THAT WE WILL NOT
FORGET!**

***SHOW THAT WE CARE!**

***SHOW THAT OUR COUNTRY
WILL NOT BE DEFEATED!**

***START: 7:30 PM AT COAST TO
COAST IN GUSTINE (OR JOIN US
AT ANY POINT ALONG THE WAY,
MAIN ST.)**

***FINISH: VFW HALL (GUSTINE)
PROGRAM & REFRESHMENTS
TO FOLLOW**

+CANDLES & FLAGS WILL BE PROVIDED.+



**9-11 SILENT CANDLE WALK
PARADE ORDER OF LINE UP
(CHIEF OF POLICE IN CHARGE OF PARADE SEQUENCE)**

- 1. POLICE ESCORT**
- 2. VFW HONOR GUARD**
- 3. 9-11 BANNER**
- 4. CITY OFFICIALS**
- 5. ORGANIZATIONS/BANNERS**
- 6. COMMUNITY**
- 7. CITY FIRE DEPT & ENGINE**

J.Q.



COUNCIL AGENDA ITEM

AUGUST 18, 2015

PREPARED BY: Sean Scully, City Manager

SUBJECT: **PUBLIC HEARING - Consider a Resolution Confirming Diagrams and Levying Assessments for Fiscal Year 2015-2016 for the Citywide, Southport and Borrelli Landscape and Lighting District Pursuant to the Landscape and Lighting Act of 1972**

BACKGROUND/ DISCUSSION

The Landscape and Lighting Act of 1972 provides for the levying of assessments throughout the incorporated limits of the City to provide for maintenance of landscaping and lighting within the identified areas. Annually, there is a three step process for the levying of assessments. At the May 19, 2015 Council meeting Council passed a resolution directing the Engineer to file the annual reports in accordance with the provisions of the Landscape and Lighting Act of 1972. At its July 7, 2015 Council meeting the Council completed the second step of the annual process and approved a resolution directing interested parties to refer to the City Engineers report for a full and detailed description of the improvements, the boundaries of the assessment districts and the proposed assessments and call for a Public Hearing to confirm the diagrams.

The Engineers report has been provided and is attached. This evening, Council may order changes to any of the matters provided in the Engineers Report during the course or upon conclusion of this scheduled Public Hearing. To date the City has received no comments on the engineers reports or proposed assessment. The City' collects assessments from three areas and the breakdown of proposed assessments for 2014-2015 are as follows:

For the coming fiscal year the rates changes are as follows:

Citywide Assessment District - 5.6% increase (\$5.08 increase per parcel over the previous year for a \$90.00 per parcel total assessment).

Borrelli Assessment District - .02% increase (\$0.40 increase per parcel over the previous year for a \$190.10 per parcel total assessment)

Southport Assessment District - No Change (\$47.10 per parcel, this district is locked in at this rate)

RECOMMENDATION

Conduct the Public Hearing and approve Resolution No. 2015-XXXX pursuant to the Landscape and Lighting Act of 1972 confirming diagrams and levying assessments for fiscal year 2015-2016 for the following areas:

- Citywide Landscape and Lighting District
- Southport Landscape and Lighting District
- Borrelli Landscape and Lighting District

EXHIBIT(S)

- A) Resolution 2015-XXXX Confirming Diagram & Assessment
- B) Engineers Report for Citywide, Southport and Borrelli Landscape & Lighting District, Assessment Maps

RESOLUTION 2015-XXXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUSTINE CONFIRMING DIAGRAM
AND ASSESSMENT AND LEVYING ASSESSMENT FOR FISCAL YEAR 2015-2016**

**CITYWIDE ASSESSMENT DISTRICT NO. 95-1; SOUTHPORT ASSESSMENT DISTRICT, BORRELLI
ASSESSMENT DISTRICT
(Pursuant to the Landscaping and Lighting Act of 1972)**

The City Council of the City of Gustine resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed Mario Gouveia, Engineer of Work for the Citywide Assessment District No. 95-1, the Southport Assessment District, and the Borrelli Assessment District, to prepare and file an annual report for fiscal year 2015-2016.
2. The Engineer of Work filed his annual report on July 7, 2015, and the City Council adopted its resolution of intention to levy and collect assessments within the assessment districts for fiscal year 2015-2016 and set a public hearing to be held on August 18, 2015, in the meeting place of the City Council, City Hall, 352 Fifth Street, Gustine, California. Notice of the hearing was given in the time and manner required by law.
3. At the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.
4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for the fiscal year 2015-2016.

PASSED AND ADOPTED by the City Council of the City of Gustine on August 18, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Dennis Brazil, Mayor

ATTEST:

Deputy City Clerk



COUNCIL AGENDA ITEM

AUGUST 18, 2015

PREPARED BY: City Manager Sean Scully
Finance Manager Jami Westervelt

SUBJECT: Consider Adopting the Final City Budget for FY 2015/16

BACKGROUND/DISCUSSION

Staff is pleased to present to Council for review and adoption the proposed final City Budget for FY 2015/16 (attached). The budget expands upon the template outlined in the preliminary budget approved June 16 by the Council.

General Fund

The General Fund is balanced with approximately \$42,169 designated to go into the general reserve account. Both revenues and expenses are expected to increase this fiscal year.

An anticipated continued increase in property and sales tax revenue makes up the largest part of the revenue increase. Based upon past performance and information supplied by the Board of Equalization, revenue increases are projected at 5% over 2014/15 totals.

Staffing continues to be the largest expense for the general fund and the modest revenue increase helps to offset increases in staffing costs. In addition to the 2% cost of living increases approved by the Council with the employee groups, the City has other mandated employee costs this year (see Expense Review in this report).

Enterprise Funds

The Water Fund continues to be impacted by the ongoing drought and mandatory conservation measures. Citizens of Gustine have risen to the occasion and are conserving water. At the same time, water revenues have declined while the same costs to run the water system remain. Water service revenue was \$76,000 from budget and was down over \$32,000 from the previous fiscal year. Although City water rates will increase, staff is conservatively budgeting nearly flat water revenues for next fiscal year due to continued conservation. The reduced revenue will cover operational costs but results in a decrease in the amount of revenue that the City can put into its Water Capital Fund for this fiscal year. Staff will continue to monitor the situation and report to Council on the Water Fund throughout the coming fiscal year.

The Sewer fund outlook is more optimistic. The budget for sewer slates \$100,000 for purchase of additional needed aerators as a place holder—as these will come before

the Council prior to purchase. Another approximately \$119,000 is budgeted to go to the Sewer reserve fund, which will be needed in future years to upgrade an aging system.

Other Program Funds

The remaining afore unmentioned funds are balanced as well. The Utility Users Tax will once again supplement operation of popular City programs and services and provide the vast majority of the funding for the: Goman Center, Swimming Pool and Recreation program; and will supplement animal control. This budget provides for \$10,000 each to the Fire and Police Equipment Replacement funds. The remaining UUT funding will be treated as a contingency.

Expense Review

Staffing and costs related to staffing continue to rise as expected but this budget contains some additional, unavoidable, personnel-related costs that merit mention.

Included in the budget is a retroactive assessment of \$55,184 due to the Risk Management Authority based upon our share of the Pooled Workers' Compensation Program costs from previous work years. Additionally, PERS is moving to an unfunded mandate payment structure that also takes into account situations in previous years.

In order to help manage those costs, staff deconstructed the costs to insure that these are equitably split amongst the applicable funds. Salary allocations have been reviewed again this year to check that general fund, program and enterprise funds reflect accurate staffing percentages. The PERS contribution splits have been similarly re-evaluated.

Additionally, risk management charges have been broken down into Workers' Compensation and General liability. This means that appropriate program funds with liability risks, one example being the Swimming Pool, this year contain a line item in the budget for insurance costs. Staff believes this is an important step for even more accurately calculating the cost of any one City program, which is valuable in making future decisions.

Summary

Staff is presenting a balanced budget for adoption in 2015/16 that includes costs from the approved employee agreements. A moderate increase in general fund revenues will offset some unavoidable personnel costs. Although tight, staff is confident this budget will fund operational expenses and meet the goal of setting aside for future projects and capital expenditures wherever possible. Staff again will conduct a mid-year budget review and propose adjustments, if necessary.

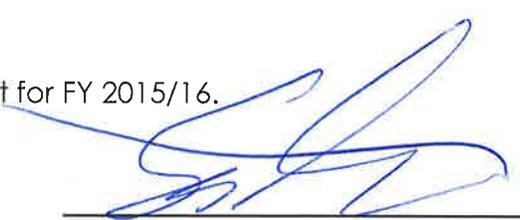
RECOMMENDATION

Staff recommends Council adopt the proposed final City Budget for FY 2015/16.

ATTACHMENTS

- A) Staff's proposed final City Budget for FY 2015/16.

APPROVED BY:



SEAN SCULLY, CITY MANAGER



COUNCIL AGENDA ITEM AUGUST 18, 2015

PREPARED BY: Sean Scully, City Manager

SUBJECT: Resolution to State of California RE: Transportation Priorities

BACKGROUND/DISCUSSION:

The League of California Cities has contacted the City of Gustine requesting that the Council consider adopting the attached resolution which states the League's Transportation priorities. The Governor has called an extraordinary session to address the significant lack of funding for transportation projects. The League has joined a coalition that includes a variety of organizations calling for a set of priorities to be followed as the state considered different ways to address the tremendous transportation infrastructure needs in California.

The priorities request for the State to follow (they are discussed in greater detail in exhibit B):

1. Make a significant investment in transportation infrastructure.
2. Focus on maintaining and rehabilitating the current system.
3. Invest a portion of diesel tax and/or cap and trade revenue to high priority goods movement projects.
4. Raise revenues across a broad range of options.
5. Equal split (of revenues) between state and local projects.
6. Strong accountability requirements to protect the tax payers' investment.
7. Provide consistent annual funding levels.

These priorities are intended to serve as a guide as the Governor and State legislator address the sever lack of infrastructure funding during the 2015 extraordinary session. It is estimated that statewide there is a shortfall of \$78 Billion in deferred maintenance and an annual shortfall of \$7.8 Billion.

RECOMMENDATION:

Council to consider the priorities and consider approval of the attached resolution. If approved, staff will transmit the resolution to the appropriate State representatives.

EXHIBIT:

- A) Resolution 2015-XXXX
- B) Fix Our Roads Fact Sheet

RESOLUTION NO. 2015-XXX
A RESOLUTION OF THE CITY OF GUSTINE URGING THE STATE TO PROVIDE NEW
SUSTAINABLE FUNDING FOR STATE AND LOCAL TRANSPORTATION INFRASTRUCTURE

WHEREAS, Governor Edmund G. Brown, Jr. has called an extraordinary session to address the immense underfunding of California's transportation infrastructure; and

WHEREAS, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

WHEREAS, the City of Gustine has participated in efforts with the California State Association of Counties, League of California Cities, and California's Regional Transportation Planning Agencies to study unmet funding needs for local roads and bridges, including sidewalks and other essential components; and

WHEREAS, the resulting 2014 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating as predicted in the initial 2008 study; and

WHEREAS, the results show that California's local streets and roads are on a path of significant decline. On a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 66, placing it in the "at risk" category where pavements will begin to deteriorate much more rapidly and require rehabilitation or rebuilding rather than more cost-effective preventative maintenance if funding is not increased; and

WHEREAS, the results show that the City of Gustine's local streets have a statewide average pavement index of 61-70, placing them in the "At Lower Risk" category; and

WHEREAS, if funding remains at the current levels, in 10 years, 25 percent of local streets and roads in California will be in "failed" condition; and

WHEREAS, cities and counties need an additional \$1.7 billion just to maintain a status quo pavement condition of 66, and much more revenue to operate the system with Best Management Practices, which would reduce the total amount of funding needed for maintenance in the future; and

WHEREAS, models show that an additional \$3 billion annual investment in the local streets and roads system is expected to improve pavement conditions statewide from an average "at risk" condition to an average "good" condition; and

WHEREAS, if additional funding isn't secured now, it will cost taxpayers twice as much to fix the local system in the future, as failure to act this year will increase unmet funding needs for local transportation facilities by \$11 billion in five years and \$21 billion in ten years; and

WHEREAS, modernizing the local street and road system provides well-paying construction jobs and boosts local economies; and

WHEREAS, the local street and road system is also critical for farm to market needs, interconnectivity, multimodal needs, and commerce; and

WHEREAS, police, fire, and emergency medical services all need safe reliable roads to react quickly to emergency calls and a few minutes of delay can be a matter of life and death; and

WHEREAS, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduce vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

WHEREAS, restoring roads before they fail also reduces construction time which results in less air pollution from heavy equipment and less water pollution from site runoff; and

WHEREAS, in addition to the local system, the state highway system needs an additional \$5.7 billion annually to address the state's deferred maintenance; and

WHEREAS, in order to bring the local system back into a cost-effective condition, at least \$7.3 billion annually in new money going directly to cities and counties; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GUSTINE strongly urges the Governor and Legislature to identify a sufficient and stable funding source for local street and road and state highway maintenance and rehabilitation to ensure the safe and efficient mobility of the traveling public and the economic vitality of California.

RESOLVED FURTHER, that the CITY OF GUSTINE strongly urges the Governor and Legislature to adopt the following priorities for funding California's streets and roads.

1. **Make a significant investment in transportation infrastructure.** Any package should seek to raise at least \$6 billion annually and should remain in place for at least 10 years or until an alternative method of funding our transportation system is agreed upon.
2. **Focus on maintaining and rehabilitating the current system.** Repairing California's streets and highways involves much more than fixing potholes. It requires major road pavement overlays, fixing unsafe bridges, providing safe access for bicyclists and pedestrians, replacing storm water culverts, as well as operational improvements that necessitate the construction of auxiliary lanes to relieve traffic congestion choke points and fixing design deficiencies that have created unsafe merging and other traffic hazards. Efforts to supply funding for transit in addition to funding for roads should also focus on fixing the system first.
3. **Equal split between state and local projects.** We support sharing revenue for roadway maintenance equally (50/50) between the state and cities and counties, given the equally-pressing funding needs of both systems, as well as the longstanding historical precedent for collecting transportation user fees through a centralized system and sharing the revenues across the entire network through direct subventions. Ensuring that funding to local governments is provided directly, without intermediaries, will accelerate project delivery and ensure maximum accountability.
4. **Raise revenues across a broad range of options.** Research by the California Alliance for Jobs and Transportation California shows that voters strongly support increased funding for transportation improvements. They are much more open to a package that spreads potential tax or fee increases across a broad range of options, including fuel taxes, license fees, and registration fees, rather than just one source. Additionally, any package should move California toward an all-users pay structure, in which everyone who benefits from the system contributes to maintaining it – from traditional gasoline-fueled vehicles, to new hybrids or electric vehicles, to commercial vehicles.

5. **Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.** While the focus of a transportation funding package should be on maintaining and rehabilitating the existing system, California has a critical need to upgrade the goods movement infrastructure that is essential to our economic well-being. Establishing a framework to make appropriate investments in major goods movement arteries can lay the groundwork for greater investments in the future that will also improve air quality and reduce greenhouse gas emissions.

6. **Strong accountability requirements to protect the taxpayers' investment.** Voters and taxpayers must be assured that all transportation revenues are spent responsibly. Local governments are accustomed to employing transparent processes for selecting road maintenance projects aided by pavement management systems, as well as reporting on the expenditure of transportation funds through the State Controller's Local Streets and Roads Annual Report.

7. **Provide Consistent Annual Funding Levels.** Under current statute, the annual gas tax adjustment by the Board of Equalization is creating extreme fluctuations in funding levels – a \$900 million drop in this budget year alone. A transportation funding package should contain legislation that will create more consistent revenue projections and allow Caltrans and transportation agencies the certainty they need for longer term planning.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Gustine held on 18th day of August 2015, passed and adopted by the following vote:

AYES:

NOES:

ABSTAIN:

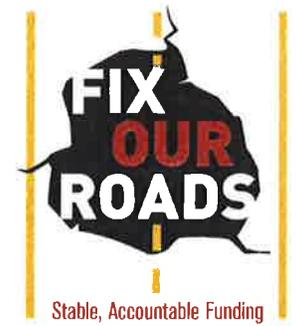
ABSENT:

ATTEST:

Mayor Brazil

Deputy City Clerk

Problem: California lacks adequate funding to fix crumbling roads, highways, bridges and transportation infrastructure.



California's network of roads and highways are critical to our quality of life and economy. Yet the condition of our deteriorating network of roads is staggering:

- Our crumbling roads cost motorists nearly \$762 a year per driver for vehicle maintenance.
- California has the second highest share of roads in "poor condition" in the nation.
- 58% of state roads need rehabilitation or pavement maintenance.
- California has 4 of 5 cities with the worst road conditions in the nation.
- 55% of local bridges require rehabilitation or replacement.
- Nearly 70% of California's urban roads and highways are congested.
- Without additional funding, 1/4 of local streets and roads will be in failed condition by 2024.

Our state lacks adequate funding to address these critical deficiencies:

- Local streets and roadsface an estimated shortfall of \$78 billion in deferred maintenance and an annual shortfall of \$7.8 billion.
- CalTrans faces a \$59 billion backlog in deferred maintenance and an annual shortfall in the State Highway Operation and Protection Program (SHOPP) of \$5.7 billion.

Solution: A responsible, accountable solution to fix our roads.

A broad coalition of cities, counties, labor, business, public safety and transportation advocates has formed to meet the Governor's call to address California's chronic transportation infrastructure funding shortfall. During the 2015 special session on transportation, we support the following priorities:

1. Make a significant investment in transportation infrastructure.

If we are to make a meaningful dent that demonstrates tangible benefits to taxpayers and drivers, any package should seek to raise at least \$6 billion annually and should remain in place for at least 10 years or until an alternative method of funding our transportation system is agreed upon.

2. Focus on maintaining and rehabilitating the current system.

Repairing California's streets and highways involves much more than fixing potholes. It requires major road pavement overlays, fixing unsafe bridges, providing safe access for bicyclists and pedestrians, replacing storm water culverts, as well as operational improvements that necessitate, among other things, the construction of auxiliary lanes to relieve traffic congestion choke points and fixing design deficiencies that have created unsafe merging and other traffic hazards.

Efforts to supply funding for transit in addition to funding for roads should also focus on fixing the system first.

3. Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.

While the focus of a transportation funding package should be on maintaining and rehabilitating the existing system, California has a critical need to upgrade the goods movement infrastructure that is essential to our economic well-being. Establishing a framework to make appropriate investments in major goods movement arteries can lay the groundwork for greater investments in the future that will also improve air quality and reduce greenhouse gas emissions.

4. Raise revenues across a broad range of options.

Research by the California Alliance for Jobs and Transportation California shows that voters strongly support increased funding for transportation improvements. They are much more open to a package that spreads potential tax or fee increases across a broad range of options rather than just one source. Additionally, any package should move California toward an all-users pay structure in which everyone who benefits from the system contributes to maintaining it - from traditional gasoline-fueled vehicles, to hybrids, alternative fuel and or electric vehicles, to commercial vehicles. Our coalition supports:

- Reasonable increases in:
 - Gasoline and diesel excise taxes.
 - Vehicle registration and vehicle license fees.
- Dedicating a portion of the cap and trade revenue paid by motorists at the pump to transportation projects that reduce greenhouse emissions.
- Ensuring existing transportation revenues are invested in transportation-related purposes (i.e. truck weight fees and fuel taxes for off-road vehicles that are currently being diverted into the general fund).
- User charge for electric and other non-fossil fuel powered vehicles that currently do not contribute to road upkeep.

5. Equal split between state and local projects.

We support sharing revenue for roadway maintenance equally (50/50) between the state and cities and counties. Funding to local governments should be provided directly (no intermediaries) to accelerate projects and ensure maximum accountability.

6. Strong accountability requirements to protect the taxpayers' investment.

Voters and taxpayers must be assured that all transportation revenues are spent responsibly. Authorizing legislation should:

- Constitutionally protect transportation revenues for transportation infrastructure only. Time and again (Prop 42, 2002; Prop 1A, 2006; Prop 22, 2010), voters have overwhelmingly supported dedicating and constitutionally protecting transportation dollars for those purposes. We strongly support protections that prohibit using transportation dollars for other purposes.
- Repay existing transportation loans and end ongoing diversions of transportation revenues, including approximately \$850 million in loans to the general fund and the annual loss of approximately \$140 million in off-highway vehicle fuel taxes.

**Strong accountability requirements to protect the taxpayers' investment
(Continued).**

- Establish performance and accountability criteria to ensure efficient and effective use of all funding. All tax dollars should be spent properly, and recipients of new revenues should be held accountable to the taxpayers, whether at the state or local level. Counties and cities should adopt project lists at public hearings and report annually to the State Controller's Office regarding all transportation revenues and expenditures. Local governments should also commit to ensuring any new revenues supplement revenues currently invested in transportation projects. Both Caltrans and local governments can demonstrate and publicize the benefits associated with new transportation investments.
- Caltrans reform and oversight. To increase Caltrans effectiveness, provide stronger oversight by the state transportation commission of the programs funded by new revenues and establish an Inspector General office to provide accountability. Reduce Caltrans administrative budgets through efficiency reviews with all savings to be spent on road improvements.
- Expedite project delivery. More should be done to streamline project delivery, including but not limited to:
 - Establishing timelines for actions required by state agencies and eliminating other permit delays.
 - Increased implementation of alternative delivery systems that encourage more investment from the private sector.
 - Reforms to speed project completion.

7. Provide Consistent Annual Funding Levels.

Under current statute, the annual gas tax adjustment by the Board of Equalization is creating extreme fluctuations in funding levels -- a \$900 million drop in this budget year alone. A transportation funding package should contain legislation that will create more consistent revenue projections and allow Caltrans and transportation agencies the certainty they need for longer term planning. While this change would not provide any new revenue to transportation, it would provide greater certainty for planning and project delivery purposes.



ITEM NO. 11

COUNCIL AGENDA ITEM

AUGUST 18, 2015

PREPARED BY: Sean Scully, City Manager

SUBJECT: **WORKSHOP - Downtown Vacant Building Ordinance**

BACKGROUND/DISCUSSION:

NOTE: Please keep in mind while reading this staff report that this item is a workshop item only, the Council has not committed to any specific course of action regarding this matter. This is simply an example of an ordinance that has been previously adopted by the City of Galt that was used to encourage and spur rehabilitation of their downtown area. It is intended as an example of one (but by no means the only) scenario which the City could consider for use.

The City Council has established the rehabilitation and economic development of the downtown area as a top priority. Over the past several months staff and Council have discussed a variety of projects, ordinances and programs that each seeks to chip away at that goal. One issue that has been extensively discussed at community and Council meetings has been the role of private property owners in the rehabilitation/economic development process. Staff has looked into a variety of "out of the box" approaches that could be employed to encourage those property owners who have not (or are not interested in) taken necessary steps to get their buildings leased.

The code (attached) is an example used in the City of Galt that has successfully facilitated the rehabilitation and eventual lease of long term boarded and vacant downtown buildings. The premise of the ordinance is that vacant/boarded buildings in commercial districts (like downtowns) discourage economic development for the entire area and also negatively affect property values.

Using this as a premise, the ordinance establishes a maximum time limit that a building can remain boarded or vacant (30 days), if that time limit is exceeded a code enforcement action is initiated and if no corrective action is taken an administrative citation is assessed to the property owner. The code enforcement does not apply - even if the 30 day period is exceeded - if one of the following criteria are met:

1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
2. The building meets all codes, does not contribute to blight, is ready for occupancy, and is actively being offered for sale, lease, or rent.
3. The building official determines that the building does not contribute to, and is not likely to contribute to, blight because the owner is actively maintaining and monitoring

the building so that it does not contribute to blight. Active maintenance and monitoring shall include:

- a. Maintenance of landscaping and plant materials in good condition.
- b. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition.
- c. Regular removal of all exterior trash, debris and graffiti.
- d. Maintenance of the building in continuing compliance with all applicable codes and regulations.
- e. Prevention of criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity.

With these exemptions the ordinance seeks to target only those buildings that remain boarded or vacant and take no measures to remedy the situation. In those cases the ordinance allows for the City to first issue a notice of violation to the property owner giving the property owner 30 days to correct the conditions that lead to the violation.

The ordinance allows for a hearing to be requested if the violation is disputed as well as an extension process if the property owner needs additional time to correct the matter. If the building remains in violation beyond the time limits established for correction in the ordinance the City may impose administrative penalties not to exceed \$1000 per violation. This version of the ordinance establishes that each day can be considered a separate violation.

ANALYSIS:

Admittedly this ordinance takes an aggressive approach to cleaning up those properties that are chronically vacant, un-rentable and that contribute to conditions of blight. The techniques are intended to incentivize prompt action on behalf of the property owner to contribute to the prosperity of the downtown by getting their buildings up to code and available for lease.

This ordinance could be used in cooperation with incentive programs that encourage business attraction. If Council was interested in implementing some version of this ordinance staff would recommend providing a grace period for property owners to work towards compliance before any code enforcement commenced.

RECOMMENDATION:

Council to discuss the ordinance and provide direction on whether or not Council is interested in moving forward with the formal consideration of such an ordinance. If so, Council to provide direction to staff on any desired changes to the ordinance.

If Council is not interested in this type of ordinance at this time Council could also provide direction to staff on desired alternatives if any.

EXHIBIT:

A) Copy of Vacant/Boarded Building Ordinance

Chapter 8.22

LONG-TERM BOARDED AND VACANT BUILDINGS

Sections:

- 8.22.010 Findings - vacant and boarded buildings.
- 8.22.020 Definitions.
- 8.22.030 Long-term boarded and vacant building prohibited.
- 8.22.040 Permitted time periods to commence and correct violations.
- 8.22.050 Notice of violation.
- 8.22.060 Opportunity for a hearing.
- 8.22.070 Extension
- 8.22.080 Inspection of premises.
- 8.22.090 Administrative penalty.
- 8.22.100 Administrative penalty -factors.
- 8.22.110 Payment of administrative penalty.

Section 8.22.010 Findings - vacant and boarded buildings.

The city council finds as follows:

- A. Vacant buildings are a major cause and source of blight in both residential and nonresidential neighborhoods especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings which are boarded, substandard or unkempt properties, and long-term vacancies discourage economic development and retard appreciation of property values.
- B. It is a responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.
- C. One vacant property which is not actively and well maintained and managed can be the core and cause of spreading blight.

Section 8.22.020 Definitions.

The definitions contained in this section shall govern the construction of this Chapter.

- A. "Blight" shall mean a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including, but not limited to, conditions constituting a public nuisance, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.
- B. "Boarded building" or "boarded up" shall mean a building whose doors or windows have been covered with plywood or other material.
- C. "Vacant building" or "vacant" shall mean a building which is without a resident or occupant or which is not being put to a lawful commercial or industrial use.

Section 8.22.030 Long-term boarded and vacant building prohibited.

- A. The owner of any boarded building, whether boarded by voluntary action of the owner or as a result of enforcement activity by the city, shall cause the boarded building to commence rehabilitation for occupancy within thirty (30) days after the building is boarded.
- B. No person shall allow a building designed for human use or occupancy to stand vacant for more than thirty (30) days, unless one of the following applies:
 - 1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
 - 2. The building meets all codes, does not contribute to blight, is ready for occupancy, and is actively being offered for sale, lease, or rent.
 - 3. The building official determines that the building does not contribute to, and is not likely to contribute to, blight because the owner is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring shall include:
 - a. Maintenance of landscaping and plant materials in good condition.
 - b. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition.
 - c. Regular removal of all exterior trash, debris and graffiti.
 - d. Maintenance of the building in continuing compliance with all applicable codes and regulations.
 - e. Prevention of criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity.

Section 8.22.040 Permitted time periods to commence and correct violations.

- A. Any owner of a boarded building in violation of subsection 8.22.030(A) or any owner of a vacant building in violation of subsection 8.22.030(B) shall commence any corrections or repairs necessary to comply with this Chapter within thirty (30) days of the date of the issuance of the notice of violation. The date of the issuance of the notice of violation shall be the date the notice of violation is mailed to the property owner or posted on the property as provided for in section 8.22.050, whichever is earlier. Provided the property owner diligently pursues corrections or repairs to completion, no administrative penalties shall be imposed. In the event the property owner does not request a hearing or commence corrections within thirty (30) days of the date of the issuance of the notice of violation, the city may impose administrative penalties as provided for in section 8.22.090. In the event the property owner requests a hearing, the thirty (30) day correction commencement period shall be suspended from the date of the request until such time as the hearing officer renders a decision. Upon the issuance of the hearing officer's decision, the property owner shall have the balance of the original thirty (30) day period to commence any necessary corrections or repairs before administrative penalties accrue.

- B. Prior to the expiration of the thirty (30) day correction commencement period, the property owner shall submit a rehabilitation plan to the building official. The rehabilitation plan shall include the following:
 - 1. A statement outlining the property owner's plan for remedying each of the conditions described in the notice of violation as constituting a violation of this Chapter.
 - 2. The expected timeline for completing any necessary corrections or repairs.
- C. Once the property owner commences corrections or repairs, the owner shall work diligently to ensure such corrections or repairs are completed in a timely manner. In no case shall such repairs or corrections take longer than ninety (90) days from the date of the issuance of the notice of violation, sixty (60) days from the end of the thirty (30) day correction commencement period or any extension as provided for in section 8.22.070, whichever is later. In the event a property owner does not comply with this subsection, the city may impose administrative penalties as provided for in section 8.22.090.

Section 8.22.050 Notice of violation.

- A. The code enforcement officer or his or her designee shall issue a notice directed to the record owner of the premises. The notice shall contain:
 - 1. The street address and such other description as is required to identify the premises.
 - 2. A statement specifying the conditions which constitute a violation of this Chapter.
 - 3. A statement that administrative penalties may begin to accrue upon the expiration of the thirty (30) day correction commencement period if the property owner does not begin to make corrections or repairs to remedy any violations of this Chapter. The statement shall state that the thirty (30) day correction commencement period begins on the date of the issuance of the notice of violation. The statement shall identify the date of issuance.
 - 4. A statement that the property owner must submit a rehabilitation plan specifying how the conditions constituting a violation of this Chapter will be remedied and the expected timeline for doing so.
 - 5. A statement notifying the property owner that he or she may request a hearing within twenty (20) calendar days of the mailing of the notice to dispute the existence of any violation or to show cause why an administrative penalty should not be assessed in accordance with this code. The statement shall notify the property owner that the thirty (30) day correction commencement period shall be suspended from the date of a request for a hearing until such time as the hearing officer renders a decision.
 - 6. A statement advising the owner that he or she has the option of voluntarily correcting the condition(s) which violate the provisions of this Chapter prior to the imposition of administrative penalties. If the owner chooses to correct the conditions, the corrections must be completed prior to the expiration of the ninety (90) day correction completion period or any applicable extension, whichever is later. The owner must advise the code

enforcement officer in writing that he or she will correct the conditions and the date of completion. The code enforcement officer or his or her designee will inspect the premises on the completion date, and if the conditions have been corrected, no administrative penalties will be assessed.

7. A statement notifying the property owner that he or she may request an extension as provided for in section 8.22.070.
- B. The notice of violation, and any amended or supplemental notice, shall be served either by personal delivery or by return receipt mailing upon the record owner at his or her address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the code enforcement officer. A copy of the notice any amended or supplemental notice shall also be posted on the building.

Section 8.22.060 Opportunity for a hearing.

Hearings shall be scheduled and conducted as provided for in Chapter 21.03.

Section 8.22.070 Extension

The building official may, upon request of the owner of the premises grant a thirty (30) day extension from the expiration of the ninety (90) day correction completion period for good cause shown. The building official may grant one (1) extension for each property in violation of this Chapter. Administrative penalties shall not accrue during the extension period.

Section 8.22.080 Inspection of premises.

- A. If the property owner requests a hearing, the hearing officer may, with the consent of the owner, inspect the building and premises involved in the hearing prior to, during or after the hearing, provided that:
 1. Notice of such inspection shall be given to the parties before the inspection is made;
 2. The parties are given an opportunity to be present during the inspection; and
 3. The hearing officer shall state for the record during the hearing, if requested, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom.
- B. The owner shall have a right to rebut or explain the matters stated by the hearing officer pursuant to subsection (A) either for the record during the hearing or by filing a written statement within five (5) days after the hearing for inclusion in the hearing record.
- C. An inspection warrant or the owner(s) consent to inspect the building and surrounding properties is required unless such inspection can be made from areas in which the general public has access or with permission of other persons authorized to provide access to the property on which the building is located.

Section 8.22.090 Administrative penalty.

- A. Any owner of a boarded building which remains boarded in violation of subsection 8.22.030(A) or any owner of a building which remains vacant in violation of subsection 8.22.030(B) beyond the time period for remediation allowed who fails to commence corrections or repairs within the correction commencement period allowed for in subsection 8.22.040(A) shall be liable for administrative penalties.
- B. Any owner of a boarded building which remains boarded in violation of subsection 8.22.030(A) or any owner of a building which remains vacant in violation of subsection 8.22.030(B) beyond the correction completion period allowed for in subsection 8.22.040(C) or any extension as provided for in section 8.22.070, whichever is later, shall be liable for administrative penalties.
- C. Any violation of section 8.22.030 shall be a misdemeanor. Any administrative penalty imposed pursuant to this chapter shall be in an amount not to exceed \$1,000 per building for each violation. Pursuant to section 21.01.030, each and every day, or portion thereof, of continuing violation shall constitute a separate and distinct offense.

Section 8.22.100 Administrative penalty - factors.

In setting the penalty, the building official shall consider factors including, but not limited to: the severity, extent and length of time in which the blighting conditions have existed on the property; the owner's efforts, or lack thereof, to remedy the problem; staff time and costs incurred in investigating the conditions; and the extent, if any, to which an administrative penalty would impose.

Section 8.22.110 Payment of administrative penalty.

- A. Upon the expiration of the thirty (30) day correction commencement period, the ninety (90) day correction completion period or any applicable thirty (30) day extension, whichever is applicable, the city may send the property owner a letter notifying him or her of any administrative penalties being imposed. The city shall send a letter each and every time administrative penalties are imposed. The administrative penalty shall become due and payable within thirty (30) days of the mailing of the letter notifying the property owner of the administrative penalty.
- B. If the administrative penalty is not timely paid, the city may initiate action to collect the penalty by the remedies and procedures provided for in section 21.02.100.
- C. An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the 31st day following the date the penalty is due and payable as provided for in subsection (A) of this section.